

## **EXHIBIT 22**

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF NEVADA

**CONDENSED  
TRANSCRIPT**

3 ELENA RODRIGUEZ-MALFAVON, )

4 Plaintiff, )

Case No.: 2:12-cv-1673-  
MMD-PAL

5 )  
6 vs. )

7 CLARK COUNTY SCHOOL DISTRICT, )  
8 EDWARD GOLDMAN and ANITA )  
9 WILBUR, )

Defendants. )  
10

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12  
13  
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15  
16 DEPOSITION OF ANITA WILBUR

17 LAS VEGAS, NEVADA

18 THURSDAY, OCTOBER 23, 2014  
19  
20  
21

22 REPORTED BY: GINA DILUZIO, RPR, CCR #833

23 JOB NO.: 224076  
24  
25

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<p>Page 2</p> <p>1 DEPOSITION OF ANITA WILBUR, taken at Law Office of  2 Richard Segerblom, 700 South Third Street, Las Vegas,  3 Nevada, on Thursday, October 23, 2014, at 2:01 p.m., before  4 Gina DiLuzio, Certified Court Reporter, in and for the State  5 of Nevada.</p> <p>6</p> <p>7 APPEARANCES:  8 For the Plaintiff:  9 LAW OFFICE OF RICHARD SEGERBLOM, LTD.  10 BY: RICHARD S. SEGERBLOM, ESQ.  11 700 South Third Street  12 Las Vegas, Nevada 89101  13 (702) 388-9600</p> <p>14 For the Defendants:  15 LITTLER MENDELSON, P.C.  16 BY: JAMIE CHU, ESQ.  17 ETHAN D. THOMAS, ESQ.  18 3960 Howard Hughes Parkway  19 Suite 300  20 Las Vegas, Nevada 89169-5937  21 (702) 862-7716  22 jchu@littler.com  23 edthomas@littler.com</p> <p>24 Also Present: Elena Rodriguez-Malfavon</p> <p>25</p>	<p>Page 4</p> <p>1 LAS VEGAS, NEVADA, THURSDAY, OCTOBER 23, 2014  2 2:01 P.M.  3 -OOO-  4 Thereupon--  5 ANITA WILBUR,  6 was called as a witness, and having been first duly  7 sworn, was examined and testified as follows:  8  9 EXAMINATION  10 BY MR. SEGERBLOM:  11 Q. Would you state your name, please.  12 A. Anita Wilbur.  13 Q. Ms. Wilbur, I know -- well, what's your current  14 status with the Clark County School District?  15 A. I do not work for the Clark County School  16 District?  17 Q. Are you retired?  18 A. Yes.  19 Q. Can you give me the approximate dates when you  20 did work for the school district.  21 A. I started in, I think, it was 1981 to 2013.  22 Q. Okay. And it's my understanding that you  23 retire -- when you retired, you were principal?  24 A. Yes, sir.  25 Q. And when did you first become a principal?</p>
<p>Page 3</p> <p>1 INDEX  2 WITNESS: Anita Wilbur  3 EXAMINATION  4 By Mr. Segerblom  5 By Ms. Chu  6 FURTHER EXAMINATION  7 By Mr. Segerblom  8 By Ms. Chu</p> <p>9</p> <p>10 EXHIBITS  11 NUMBER  12 Exhibit 1 Memo  13 Exhibit 2 CCSD Record Of Personnel  14 Notification  15 Exhibit 3 Series of e-mails  16 Exhibit 4 CCSD Record Of Personnel  17 Exhibit 5 CCSD Performance Evaluation  18 Report - Central Office  19 Administrator</p> <p>20  21  22  23  24  25</p>	<p>Page 5</p> <p>1 A. Wow.  2 Q. Approximately.  3 A. 2003 or '4.  4 Q. Okay. And what school were you at?  5 A. AIS.  6 Q. So you -- did you start AIS or was AIS already  7 in existence?  8 A. It was already in existence.  9 Q. And based to my knowledge, was AIS -- when you  10 first went there, was it on St. Louis?  11 A. Yes.  12 Q. And then did it transfer to Western?  13 A. Yes.  14 Q. And then it went to Gorman?  15 A. Yes.  16 Q. Okay. And then it went to Channel 10?  17 A. Yes.  18 Q. Okay.  19 A. Every year.  20 Q. A moving high school.  21 (Exhibit 1 marked.)  22 BY MR. SEGERBLOM:  23 Q. All right. I'm going to show you what's been  24 marked as Exhibit 1. Have you seen Exhibit 1 before?  25 A. Yes.</p>

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<p>1 Q. And is that your signature at the bottom?</p> <p>2 A. Yes.</p> <p>3 Q. Do you recall receiving Exhibit 1 on, I guess,</p> <p>4 April 28 of 2011?</p> <p>5 A. Correct.</p> <p>6 Q. Were you told you were going to be given this</p> <p>7 or did Mr. Stein just show up and ask you to sign for it?</p> <p>8 A. He just showed up and asked me to sign for it.</p> <p>9 Q. And then, apparently, based on Exhibit 1, there</p> <p>10 was a meeting -- I'm not sure where it was, but there was a</p> <p>11 meeting, the next day, on the 29th of April?</p> <p>12 A. The -- I think so, yes.</p> <p>13 Q. Looking at the three al -- the Exhibit 1</p> <p>14 mentions three issues that were to be discussed on the</p> <p>15 29th.</p> <p>16 First, was allegations of audiotaping</p> <p>17 employees throughout the work day, unprofessional treatment</p> <p>18 of current staff, and adherence to banking practices.</p> <p>19 A. Uh-huh.</p> <p>20 Q. With respect to Exhibit 1, No. 1, allegations</p> <p>21 of audiotaping employees, had you heard -- had that issue</p> <p>22 come up before you received Exhibit 1?</p> <p>23 A. Isaac had come to my office and asked me if --</p> <p>24 if the -- the cameras did audio tape and I told him "no."</p> <p>25 Q. Okay. Were you aware of any employees that</p>	<p>1 Q. And it's your understanding this was -- you</p> <p>2 received this based upon the meeting that was held on April</p> <p>3 29th?</p> <p>4 A. That's correct.</p> <p>5 Q. And even though you can't see your signature --</p> <p>6 A. Oh. It's there. I can see it. Basically,</p> <p>7 scratched.</p> <p>8 Q. And do you believe you received it on the 19th?</p> <p>9 A. I think so.</p> <p>10 Q. And the supervising administrator's signature</p> <p>11 is also --</p> <p>12 A. Yes.</p> <p>13 Q. -- faint. Do you remember who gave it to you?</p> <p>14 A. Yes. Isaac Stein.</p> <p>15 Q. All right. Now, in this document, second</p> <p>16 paragraph, it reads, "With regard to the audiotaping of</p> <p>17 employees, you stated that absolutely no employees were or</p> <p>18 are being audio taped." Period.</p> <p>19 A. Is that a question?</p> <p>20 Q. No. I just --</p> <p>21 A. Oh. Sorry.</p> <p>22 Q. I just wanted to read the statement to you. My</p> <p>23 question is --</p> <p>24 MS. CHU: You're fine.</p> <p>25 BY MR. SEGERBLUM:</p>
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<p>1 worked for you who had raised concern about audiotaping?</p> <p>2 A. Ms. Malfavon had asked me if I had -- or I had</p> <p>3 checked with legal and I told her I had gone through that</p> <p>4 process already.</p> <p>5 Q. Okay.</p> <p>6 A. In previous conversations when, I couldn't tell</p> <p>7 you.</p> <p>8 Q. Okay. All right. When you met on the 29th,</p> <p>9 did Mr. Stein -- and you talked about the audiotaping issue,</p> <p>10 did he mention any employees who had complained to him?</p> <p>11 A. No.</p> <p>12 Q. Exhibit 2 --</p> <p>13 (Exhibit 2 marked.)</p> <p>14 BY MR. SEGERBLUM:</p> <p>15 Q. I'd like you to look at Exhibit 2.</p> <p>16 A. Where do you want this one? Okay. Sorry.</p> <p>17 Q. Look at that and I'll ask you some questions.</p> <p>18 I apologize for the -- the signatures appear to be -- well,</p> <p>19 the signatures are unrecognizable, but...</p> <p>20 A. Okay.</p> <p>21 Q. All right. Do you recognize Exhibit 2?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. And this appears to be a summary of a</p> <p>24 conference that was given to you on May the 19th, 2011?</p> <p>25 A. That's correct.</p>	<p>1 Q. -- is that what you stated?</p> <p>2 A. Yes.</p> <p>3 Q. Now, my understanding is, there was cameras</p> <p>4 throughout AIS?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. And did you have access to what was seen</p> <p>7 by those cameras in your office?</p> <p>8 A. Just the front office.</p> <p>9 Q. Okay.</p> <p>10 A. Just the -- the library area.</p> <p>11 Q. Okay. And, approximately, how many cameras</p> <p>12 would that have been?</p> <p>13 A. I have no idea.</p> <p>14 Q. Okay.</p> <p>15 A. Couldn't tell you.</p> <p>16 Q. Now, setting aside the issue whether you were</p> <p>17 tape recording the conversations, could you hear</p> <p>18 conversations?</p> <p>19 A. No.</p> <p>20 Q. No. So, to your knowledge, the microphones</p> <p>21 that may or may not have been in those cameras were not</p> <p>22 utilized?</p> <p>23 A. They were not utilized.</p> <p>24 Q. And that's what you told Mr. Stein?</p> <p>25 A. That's correct.</p>

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<p style="text-align: right;">Page 10</p> <p>1 Q. Okay. 2 (Exhibit 3 marked.) 3 BY MR. SEGERBLOM: 4 Q. All right. Show you what's been marked as 5 Exhibit 3. 6 MS. CHU: That's not 3. 7 MR. SEGERBLOM: Oh. I'm sorry. I was going to 8 say I didn't think that was Exhibit 3. Getting ahead of 9 myself. Sorry about that. 10 BY MR. SEGERBLOM: 11 Q. Show you what's marked as Exhibit 3. And I'll 12 represent to you that these -- Exhibit 3 are -- is, 13 approximately, 30 pages that are Bates-stamped 309 through 14 339. 15 And they appear to be Xeroxes of e-mails that 16 took place between May 24, 2011 and May 27, 2011. 17 A. Okay. 18 Q. And feel free to take your time to look at it. 19 A. Oh. You want me to look at all of them? 20 Q. Well, you don't have to. I just -- 21 MS. CHU: I would prefer that you did before he 22 asks you questions. 23 THE WITNESS: Okay. 24 MS. CHU: They're short. 25 MR. SEGERBLOM: A lot of them are duplicative.</p>	<p style="text-align: right;">Page 12</p> <p>1 talking about the series of e-mails -- 2 MR. SEGERBLOM: Right, right, 3 MS. CHU: -- but not a specific question on one 4 specific e-mail? 5 MR. SEGERBLOM: Right. 6 MS. CHU: Oh. 7 BY MR. SEGERBLOM: 8 Q. The e-mails refer to the process of preparing a 9 written oral warning. Is this -- 10 MS. CHU: Objection. The documents speak for 11 themselves. 12 BY MR. SEGERBLOM: 13 Q. You can go ahead and answer. 14 A. Okay. Sorry. Yes. 15 Q. So my question is, when, if you recall, did you 16 first decide that it was -- that you wanted to give her an 17 oral warning? 18 MS. CHU: Objection. Calls for speculation. 19 MR. SEGERBLOM: I don't think that's 20 speculation. 21 BY MR. SEGERBLOM: 22 Q. But if you don't recall, you don't have to 23 say. 24 A. Okay. I do recall. 25 Q. Okay.</p>
<p style="text-align: right;">Page 11</p> <p>1 It's basically a conversation back and forth. 2 THE WITNESS: (Complied.) 3 (Pause in the proceedings.) 4 (Recess taken from 2:14 p.m. to 2:24 p.m.) 5 BY MR. SEGERBLOM: 6 Q. Did you have a chance to look at Exhibit 3? 7 A. I did. 8 Q. All right. Would you agree with the 9 characterization that this is primarily a series of e-mails 10 between you and Fran Juhasz concerning my client, 11 Ms. Rodriguez? 12 MS. CHU: Objection. The documents speak for 13 themselves. 14 BY MR. SEGERBLOM: 15 Q. You can answer. 16 THE WITNESS: I can? 17 MS. CHU: Uh-huh. 18 THE WITNESS: I didn't know I could. Yes, I 19 do. 20 BY MR. SEGERBLOM: 21 Q. I'd like to -- to then question you about what 22 prompted this. Based on the e-mails, it appears that you 23 decided -- determined that Ms. Rodriguez should be given an 24 oral warning? 25 MS. CHU: And then just to clarify. You're</p>	<p style="text-align: right;">Page 13</p> <p>1 A. It was probably back in January, February. 2 Q. Okay. And, at that point, you don't recall why 3 you waited until May to give her the oral warning? 4 A. Because I was trying to work with Isaac and get 5 his support on this. 6 Q. Okay. 7 A. Because I had -- sorry. 8 Q. That's fine. So you and Mr. Stein had talked 9 about giving Ms. Rodriguez an oral warning? 10 A. No. 11 Q. Had you -- you said get his support on this. 12 What -- you had talked about Ms. Rodriguez, in general, you 13 and Mr. Stein? 14 A. Yes. 15 Q. Back in January? 16 A. Yes. 17 Q. And did that conversation continue up until 18 this series of e-mails, which was in May? 19 A. Yes. 20 Q. Okay. Was there a point which you said to him 21 or he said to you, I think we should give her an oral 22 warning? 23 A. No. 24 Q. Okay. This series of e-mails refers to the 25 preparation of an oral warning. Did you obtain Mr. Stein's</p>

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1 approval before you started that process?  
 2 MS. CHU: Objection. Vague.  
 3 THE WITNESS: I -- I -- say that again.  
 4 BY MR. SEGERBLOM:  
 5 Q. All right. That was unclear. Did you ask  
 6 Mr. Stein if you could give Ms. Rodriguez an oral warning?  
 7 MS. CHU: Objection. Lacks foundation.  
 8 BY MR. SEGERBLOM:  
 9 Q. Let's do it this way. I'm going to hand you  
 10 what's marked as Exhibit 4. And just keep Exhibit 3 and  
 11 Exhibit 4.  
 12 A. Okay.  
 13 (Exhibit 4 marked.)  
 14 BY MR. SEGERBLOM:  
 15 Q. Because we'll refer to both of them. And would  
 16 you agree that Exhibit 4 is the oral warning?  
 17 A. I haven't read --  
 18 Q. Oh. I'm sorry.  
 19 A. -- Exhibit 4, so I'm going --  
 20 Q. Okay. Go ahead.  
 21 A. Unless it's in here.  
 22 Q. It is, but that's fine. Go ahead and look at  
 23 it again.  
 24 A. Oh. Okay. I -- yeah, I remember it now.  
 25 Okay. Okay. Sorry.

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1 Q. That's fine. So would you agree that Exhibit  
 2 4, which is an oral warning that was given to Ms. Rodriguez,  
 3 is the document which resulted from the e-mails, which is  
 4 Exhibit 3?  
 5 A. Yes.  
 6 Q. Okay.  
 7 A. Not totally, but, yes.  
 8 Q. Okay. All right. So my question is, did you  
 9 ask Mr. Stein's approval before you gave Ms. Rodriguez  
 10 Exhibit 4?  
 11 A. No.  
 12 Q. Okay. Did you ask anyone's approval?  
 13 A. Yes.  
 14 Q. Whose approval did you ask?  
 15 A. Fran Warhead -- Juhasz. Sorry.  
 16 Q. Warhead. That's a fun nickname.  
 17 A. I say her name wrong every time.  
 18 Q. That's okay.  
 19 A. Sorry.  
 20 Q. She's a lawyer.  
 21 A. Yeah.  
 22 Q. All right. And it's your understanding that  
 23 that was the proper protocol, you didn't have to go to your  
 24 supervisor to get permission to give an oral warning to one  
 25 of your employees?

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1 A. Yeah. She told me that.  
 2 Q. Okay. And was she allowed to give you the  
 3 authorization by herself?  
 4 MS. CHU: Objection. Calls for speculation.  
 5 BY MR. SEGERBLOM:  
 6 Q. If you know.  
 7 A. Don't know.  
 8 Q. Well, let me ask you this. When you approached  
 9 her and asked if you could give Ms. Rodriguez an oral  
 10 warning, did she indicate you could or did she say, I have  
 11 to talk to somebody, if you recall?  
 12 A. I don't recall. I don't recall.  
 13 Q. All right. All right. Now, Exhibit 3 also  
 14 includes some e-mails with Dr. Goldman; is that correct?  
 15 A. Uh-huh.  
 16 Q. Is that a "yes"?  
 17 A. Yes. I'm sorry. Yes.  
 18 Q. That's okay. Do you know how he happened to  
 19 get involved in the process of giving --  
 20 A. Not a clue.  
 21 Q. Okay. So in these e-mails, it appears  
 22 Ms. Juhasz was communicating with Dr. Goldman. And you  
 23 don't know how that happened?  
 24 A. I do not know.  
 25 Q. Okay. If you could, go ahead and turn to the

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1 document which is Bates-stamped 336.  
 2 A. (Complied.)  
 3 Q. It's at the very bottom, because the last  
 4 document was 339.  
 5 MS. CHU: Look at these.  
 6 THE WITNESS: Oh. I see at the bottom. I'm  
 7 sorry. I didn't --  
 8 MS. CHU: Bates-stamped.  
 9 MR. SEGERBLOM: It's our legal --  
 10 THE WITNESS: I was looking for March. Sorry.  
 11 BY MR. SEGERBLOM:  
 12 Q. All right. Exhibit -- well, document 336 of  
 13 Exhibit 3 is an e-mail apparently from yourself to  
 14 Ms. Juhasz. And it references five attachments?  
 15 A. That's correct.  
 16 Q. Okay.  
 17 A. Based on -- yes.  
 18 Q. And I believe the attachments are actually  
 19 documents before -- probably starting with 331.  
 20 A. Yeah. That's correct. Yes. More than likely.  
 21 Q. Okay. And, specifically, I want to reference  
 22 you to Bates stamp 335 --  
 23 A. (Complied.) Okay.  
 24 Q. -- which is the summary of conference we just  
 25 talked about.

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<p style="text-align: right;">Page 18</p> <p>1 A. Okay.</p> <p>2 Q. <del>All right.</del> Now, in Exhibit -- on page 336, the</p> <p>3 last line, you say, and I quote, "I also need you to be</p> <p>4 aware of what I received yesterday." Period. "Please refer</p> <p>5 to directive item #6."</p> <p>6 A. Yes.</p> <p>7 Q. And then if you turn to 335, Exhibit (sic) 6 --</p> <p>8 which I'm not sure that was circled by you or that has been</p> <p>9 done subsequently -- Exhibit 6 reads, "Do not discuss these</p> <p>10 allegations with employees or take any retaliatory action</p> <p>11 against any employee."</p> <p>12 A. That's correct.</p> <p>13 Q. Why did you refer to that item 6 in your</p> <p>14 e-mail, which is page 336?</p> <p>15 A. Because of my concerns that -- ongoing concerns</p> <p>16 that I've already documented of her inappropriate completion</p> <p>17 of her job responsibilities and would it be a retaliatory</p> <p>18 action versus a retaliatory action.</p> <p>19 Q. Are you saying you were concerned that what you</p> <p>20 were doing to her might be perceived as retaliatory?</p> <p>21 A. Yes.</p> <p>22 Q. Did Ms. Juhasz ever respond to that inquiry?</p> <p>23 A. I don't -- if she -- if it's not in writing, I</p> <p>24 don't remember.</p> <p>25 Q. Okay. And, so, I think your testimony is, was</p>	<p style="text-align: right;">Page 20</p> <p>1 were working with Mr. Stein to get his approval?</p> <p>2 A. No. You implied Mr. Stein had a conversation.</p> <p>3 I never said Mr. Stein's name.</p> <p>4 MR. SEGERBLOM: Okay. All right. Can we go</p> <p>5 back and see. I thought several questions ago, I had asked</p> <p>6 if Mr. Stein had approved this. And she indicated that back</p> <p>7 in January, she had talked to Mr. Stein.</p> <p>8 A. In March, I spoke with Mr. Stein.</p> <p>9 (Questions and answers on page 13, lines 11 to</p> <p>10 16, read back.)</p> <p>11 BY MR. SEGERBLOM:</p> <p>12 Q. So you testified you were trying to work with</p> <p>13 Mr. Stein to get his approval?</p> <p>14 A. Well --</p> <p>15 Q. Is that correct?</p> <p>16 A. I didn't understand it like that. So ask --</p> <p>17 Q. How did you understand it?</p> <p>18 A. I -- I thought you were asking me whether I was</p> <p>19 asking him for his approval and I didn't -- wasn't asking</p> <p>20 for his approval.</p> <p>21 What I was doing was setting -- Brad told me --</p> <p>22 basically said, work with Isaac. So I was working with</p> <p>23 Isaac.</p> <p>24 Q. And I guess that's what my question is. If you</p> <p>25 were working with Isaac, why didn't you go to him before you</p>
<p style="text-align: right;">Page 19</p> <p>1 Mr. Stein totally unaware that you and Ms. Juhasz were</p> <p>2 preparing this oral warning?</p> <p>3 MS. CHU: Objection. Calls for speculation.</p> <p>4 BY MR. SEGERBLOM:</p> <p>5 Q. Well, to your knowledge, was Mr. Stein unaware</p> <p>6 that you and Ms. Juhasz were preparing the oral warning for</p> <p>7 Ms. Rodriguez?</p> <p>8 A. Mr. Stein, I don't know.</p> <p>9 Q. Okay. How about Mr. Waldron?</p> <p>10 A. Yes.</p> <p>11 Q. Yes, he was aware?</p> <p>12 A. Yes, he was aware.</p> <p>13 Q. Okay. How do you know he was aware?</p> <p>14 A. Because I told him.</p> <p>15 Q. All right. Given this process, do you recall</p> <p>16 when you would have told him, approximately?</p> <p>17 A. Hmm. I don't remember exact, the date, but I</p> <p>18 think it was in February.</p> <p>19 Q. Okay. All right. So you told Mr. Waldron,</p> <p>20 back in February, that you were planning to give</p> <p>21 Ms. Rodriguez an oral warning?</p> <p>22 A. I was lining up my ducks, yes.</p> <p>23 Q. Okay. All right. And what was his response?</p> <p>24 A. He didn't say much.</p> <p>25 Q. Okay. But you also said, I think, that you</p>	<p style="text-align: right;">Page 21</p> <p>1 started preparing the oral warning?</p> <p>2 A. I asked Isaac to meet with me on three</p> <p>3 different occasions. He failed to show up or call and --</p> <p>4 and did not show up on two occasions. On the third</p> <p>5 occasion, he finally showed up on March 31.</p> <p>6 Q. Okay. And, at that time, did you discuss</p> <p>7 Ms. Rodriguez in an oral warning?</p> <p>8 A. Ms. Rodriguez was at that meeting.</p> <p>9 Q. Okay. All right. But you did talk to</p> <p>10 Mr. Waldron about giving her an oral warning?</p> <p>11 A. That's correct. Previous to that date.</p> <p>12 Q. Right. Did he agree or he just --</p> <p>13 A. He didn't -- he just said, work with Isaac.</p> <p>14 Q. All right. And then, at some point, you</p> <p>15 determined that you would just go directly to Ms. Juhasz?</p> <p>16 A. It was probably before then.</p> <p>17 Q. Okay. All right. Do you have any notes or</p> <p>18 prepared notes, at the time, that contain the matters that</p> <p>19 are in Exhibit 4?</p> <p>20 MS. CHU: Objection. Vague.</p> <p>21 BY MR. SEGERBLOM:</p> <p>22 Q. Well, actually, I apologize. We'll get to that</p> <p>23 in a second.</p> <p>24 All right. So now, are you familiar with any</p> <p>25 other time where you were given some type of disciplinary</p>



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1 document, oral warning, reprimand, evaluation, where  
 2 Mr. Goldman had been involved?  
 3 A. No.  
 4 Q. So this -- as far as you know, this was unusual  
 5 for Mr. Goldman to be involved in this oral warning?  
 6 MS. CHU: Objection. Misstates testimony. If  
 7 you're confused, make sure you ask him what he's talking  
 8 about before you answer.  
 9 THE WITNESS: Yeah. Go back to that last  
 10 question, because I -- you mumbled and I wasn't sure if you  
 11 said --  
 12 BY MR. SEGERBLOM:  
 13 Q. All right.  
 14 A. I don't know who you're talking about.  
 15 Q. All right.  
 16 A. I guess that's what I'm talking about.  
 17 Q. All right. We earlier talked about Exhibit 3  
 18 and the fact that Dr. Goldman was apparently involved in the  
 19 decision to give my client an oral warning.  
 20 MS. CHU: Objection. Lacks foundation. But  
 21 you can keep going.  
 22 BY MR. SEGERBLOM:  
 23 Q. Did you understand the question?  
 24 A. I don't -- okay. Say it one more time.  
 25 Q. Okay. Exhibit 3 --

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1 A. Right.  
 2 Q. -- is a series of e-mails --  
 3 A. Oh. This one. Okay. I was looking -- sorry,  
 4 sorry, sorry.  
 5 Q. Exhibit 3 is a series of e-mails between you  
 6 and Ms. Juhasz concerning the preparation of an oral warning  
 7 which was given to my client, Ms. Rodriguez.  
 8 A. I understand that.  
 9 Q. Okay. And based upon the e-mails, it appears  
 10 that Dr. Goldman was involved in that process also?  
 11 A. I --  
 12 MS. CHU: Objection. Calls for speculation.  
 13 She already said she didn't know why Dr. Goldman was --  
 14 MR. SEGERBLOM: I didn't ask why. I said it  
 15 appears that he was involved.  
 16 MS. CHU: Yeah. But you're asking her to agree  
 17 with your statement. She doesn't have --  
 18 BY MR. SEGERBLOM:  
 19 Q. Well, look, you can't see it from the  
 20 e-mails --  
 21 A. I can see that Dr. Goldman had e -- had  
 22 copies -- had access to some of these e-mails, but I  
 23 can't --  
 24 Q. Well, let's look at page 316.  
 25 A. (Complied.) Okay. Sorry. I keep still

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1 looking for the date.  
 2 Q. All right. Bates stamp 316 of Exhibit 3 is an  
 3 e-mail from -- well, the top of it is an e-mail from  
 4 yourself to Fran Juhasz, dated May 24.  
 5 But below, the bottom of the e-mail, Ms. Juhasz  
 6 writes to you, "Anita, thanks for the quick turnaround. I'm  
 7 working with Dr. Goldman on this. Per Dr. Goldman, please  
 8 do not do ANYTHING further until I hear back from him."  
 9 A. Okay.  
 10 Q. All right. Do you agree that that -- you  
 11 received that e-mail?  
 12 A. I received the e-mail.  
 13 Q. So would you agree that -- that based on  
 14 Ms. Juhasz's statement to you, that Dr. Goldman was involved  
 15 in this process of issuing the oral warning?  
 16 MS. CHU: Objection. Calls for speculation.  
 17 Assumes facts not in evidence. You can answer, if you know.  
 18 THE WITNESS: Oh. I don't -- I didn't know  
 19 whether he was in -- I didn't know that he was involved.  
 20 BY MR. SEGERBLOM:  
 21 Q. But Ms. Juhasz told you she (sic) was. Whether  
 22 her statement is true or not, you based that --  
 23 A. Whether her statement is true or not, it's in  
 24 print.  
 25 Q. Right. And you received that e-mail?

Page 25

1 A. I received this e-mail.  
 2 Q. All right. And my question is, have you ever  
 3 received an e-mail similar to that where you were told that  
 4 Dr. Goldman was involved in some type of discipline that you  
 5 preparing for your one of your subordinates?  
 6 A. I --  
 7 MS. CHU: Objection. Lacks foundation. I  
 8 think you have to ask her whether or not she's written  
 9 anyone else up and if she went to Fran for the process  
 10 before she can answer your question.  
 11 MR. SEGERBLOM: I don't object to it at all. I  
 12 just asked the question.  
 13 BY MR. SEGERBLOM:  
 14 Q. To your knowledge, has Dr. Goldman been  
 15 involved in any discipline which you gave to another  
 16 employee?  
 17 A. I don't -- I don't know. I can't -- I --  
 18 Q. You don't know, right?  
 19 A. I don't know.  
 20 Q. All right. That's fine. That's a perfect,  
 21 simple answer.  
 22 A. Okay. I don't know.  
 23 Q. All right. All right. Then let's look at  
 24 Exhibit 4.  
 25 A. (Complied.)



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1 Q. Now, Exhibit 4 is an oral warning summary which  
2 was given to my client, Ms. Rodriguez, I believe, by  
3 yourself. Would you agree with that?  
4 A. That's correct.  
5 Q. Okay. And that's your signature at the bottom?  
6 A. Uh-huh.  
7 Q. Is that a "yes"?  
8 A. I'm sorry. Yes.  
9 Q. Now, in Exhibit 6 -- I'm sorry -- Exhibit 4,  
10 you refer to certain incidents and, specifically, I'll point  
11 out that -- about the fourth paragraph down, it says, "On  
12 February 28, 2011."  
13 A. Uh-huh.  
14 Q. Now, do you -- when you prepared Exhibit 4, did  
15 you have any notes that were prepared back on February 28  
16 that you referred to?  
17 A. What do you mean by "notes"?  
18 Q. Well, anything. How did you know that  
19 something happened on February 28 when you prepared this  
20 document in May?  
21 A. Well, I probably went off my meeting schedule  
22 and we -- for the -- any time we did a training for a  
23 specific thing, they had to sign in, if it was something  
24 important. And Dennis had the sign-in sheet.  
25 And if he -- if an employee wasn't there, he

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1 was directed by me to go run around and train the employee,  
2 one on one, and follow up with all employees, one on one.  
3 Q. Okay. My question is just basically --  
4 A. I'm sorry.  
5 Q. -- how did you recall that the date was  
6 February 28, 2011?  
7 A. Because of the documentation Dennis must have  
8 had.  
9 Q. Okay.  
10 A. I don't recall anything else. I mean...  
11 Q. But you believe you that documentation --  
12 A. I do believe I had that.  
13 Q. -- when you prepared this in May?  
14 A. That's correct.  
15 Q. And you don't know where that documentation is  
16 today?  
17 A. No.  
18 Q. Okay. That's fine. All right. Now, you also  
19 refer down below to -- and this would be the second  
20 paragraph from the bottom -- to issue about fire keys?  
21 A. That's correct.  
22 Q. Did you have any documentation about fire keys  
23 that you referred to when you prepared Exhibit 4?  
24 A. Yes, I did.  
25 Q. Okay. And do you know where that documentation

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1 is today?  
2 A. I've seen it. There were notes from a  
3 September meeting -- September meeting. Oh, dear. I think  
4 it's in my calendar. I'm not sure.  
5 Q. Is that something you would have, personally,  
6 or is that something you gave to the district?  
7 A. I gave it to --  
8 MS. CHU: You're talking about the calendar  
9 that you provided us?  
10 THE WITNESS: Uh-huh.  
11 MS. CHU: Yeah.  
12 THE WITNESS: Uh-huh.  
13 MS. CHU: -- which we produced in this case.  
14 THE WITNESS: Yeah.  
15 MR. SEGERBLOM: All right.  
16 THE WITNESS: There were two meetings that we  
17 had about the fire keys. And then there with a memo --  
18 yesterday's memo had about the fire keys, that she ordered  
19 the fire keys.  
20 And there was -- that was right after I had  
21 requested her to -- directed her to follow through and order  
22 those things.  
23 BY MR. SEGERBLOM:  
24 Q. Okay. That's my question. So you, personally,  
25 directed her to order the fire keys?

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1 A. Uh-huh.  
2 Q. Is that a "yes"?  
3 A. Uh-huh. Yes. Sorry.  
4 Q. Okay. All right. And do you have notes about  
5 when you directed her to do that?  
6 A. I think they're in my calendar. I don't  
7 recall. I haven't looked in my calendar in year -- probably  
8 a few months.  
9 Q. All right. But if you did keep notes, that  
10 would have been in your calendar?  
11 A. Yes, sir.  
12 Q. Okay. All right. Now, the last item on the  
13 first page, refers to a shelter-in-place bins.  
14 A. Yes, sir.  
15 Q. Now, did you have notes concerning the  
16 shelter-in-place bins?  
17 A. I think so.  
18 Q. Okay. And would that also be in your calendar?  
19 A. Probably.  
20 Q. Now, to my knowledge, none of the items listed  
21 on Exhibit 4 were given in any type of memo to my client  
22 saying you failed to do this or you didn't do that at the  
23 time it occurred. Would you agree with that?  
24 A. Until I discovered them. I -- yeah, until I  
25 discovered them.

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1 Q. Okay. But I'm saying -- I haven't seen  
2 anything in writing from you to her referencing any of these  
3 items where you said you didn't issue appraisal on time, you  
4 didn't issue the fire keys, you didn't did the  
5 shelter-in-place.

6 A. I don't think she was here when I discovered  
7 the fire keys.

8 Q. Okay. How about the shelter-in-place?

9 A. I don't recall what the date was.

10 Q. Okay. How about the -- on the second page, you  
11 refer to an evaluation that she failed to do on time.

12 A. I told her I specifically -- we had a  
13 conference about that. She and I had a conference and it's  
14 well documented.

15 Q. Okay.

16 A. On more than one occasion, because it really  
17 encompassed three employees, not the latest one I wrote  
18 about.

19 Q. The previous two, did you write anything about  
20 them?

21 A. No, but we had a conference about those as  
22 well.

23 Q. Okay.

24 A. We called Denise in EMR about the two. I think  
25 it was Vincent and Tabitha. We called Denise in EMR and she

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1 A. Yeah. Okay. We had a phone call from Denise  
2 in EMR. What date, I don't know. It's probably in my  
3 calendar. I'm not sure.

4 But, basically, she said the -- the evaluations  
5 that -- Ms. Malfavon had written were too general. Those  
6 were her exact words. And -- and, so, I rewrote them to be  
7 more specific.

8 I asked her on the phone while -- the three of  
9 us were on the phone -- on Speakerphone, in my office, to  
10 Denise in EMR. I asked her, should I write about this,  
11 this, this, this? And she said "yes."

12 And that's what the evaluations were then. I  
13 had wrote them myself.

14 Q. Which is your right as Ms. Malfavon's  
15 supervisor?

16 A. That's correct.

17 Q. Now, in giving Exhibit 4 --

18 THE WITNESS: Sorry. There's a fly.

19 MR. SEGERBLOM: Wow.

20 THE WITNESS: It was flying.

21 MR. SEGERBLOM: It was. Not anymore.

22 BY MR. SEGERBLOM:

23 Q. In giving my client Exhibit 4, were you  
24 intending to follow that up with a negative evaluation?

25 MS. CHU: Objection. Calls for speculation.

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1 said --

2 MR. THOMAS: Dick, if you could please instruct  
3 her not to react to every --

4 MS. CHU: Yeah, it's really a distraction,  
5 actually.

6 MR. THOMAS: -- question --

7 MR. SEGERBLOM: What happened?

8 You're embarrassing me?

9 THE PLAINTIFF: No. I'm trying to --

10 MS. CHU: If you're getting upset --

11 MR. THOMAS: She's kind of making faces.

12 THE PLAINTIFF: Oh. I'm sorry. I wasn't  
13 realizing I was. I'm sorry.

14 MR. THOMAS: You didn't say anything, but...

15 MS. CHU: You had your chance yesterday to give  
16 your story to --

17 MR. SEGERBLOM: Just stop it. Just stop it.  
18 Don't make any faces.

19 THE PLAINTIFF: No. I'm sorry. I wasn't

20 realizing I was. Sorry.

21 THE WITNESS: I don't remember where I was  
22 sorry.

23 MS. CHU: Can you read back the last question.

24 BY MR. SEGERBLOM:

25 Q. I think you were referring to Denise in EMR.

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1 MR. SEGERBLOM: I'm not sure why it would be  
2 speculation.

3 MS. CHU: I can make my objections. You don't  
4 have to comment on it. You can answer.

5 THE WITNESS: Do I answer? Oh. Okay. Sorry.

6 I don't know. Because I don't know.

7 BY MR. SEGERBLOM:

8 Q. All right. Then that's the reason for the next  
9 question. Let's look at Exhibit 5.

10 (Exhibit 5 marked.)

11 BY MR. SEGERBLOM:

12 Q. Go ahead and if you want to look at Exhibit 5.

13 A. I did.

14 Q. So you've seen the first page of this?

15 A. Yes.

16 Q. All right. So Exhibit 5 is a performance  
17 evaluation which you gave my client on June the 2, 2011; is  
18 that correct?

19 A. That's correct.

20 Q. Okay. Before giving her or preparing this  
21 document, did you consult with anyone?

22 A. Yes.

23 Q. Okay. Who did you consult with?

24 A. Fran Juhasz. And I might have talked to Isaac  
25 about it.

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<p style="text-align: right;">Page 34</p> <p>1 Q. Okay. And do you recall your conversation with 2 Ms. Juhasz, was it, what should I do now? Or I want to give 3 her a bad evaluation?</p> <p>4 A. No. It was I -- I told her, these are the 5 notes that I had from my evaluation. These are the things 6 that -- I said, which ones can I use?</p> <p>7 And she basically said to go ahead and write it 8 and then she would evaluate it as to what we should -- 9 what -- what we should do.</p> <p>10 Q. All right. So then looking on the first page, 11 where it lists A through G --</p> <p>12 A. Yes.</p> <p>13 Q. -- and then Satisfactory, Needs Improvement, 14 Not Satisfactory, you went ahead and checked those boxes?</p> <p>15 A. That's correct.</p> <p>16 Q. And, at that point, you had not made a decision 17 on what the evaluation was going to be?</p> <p>18 A. No. I'm saying prior to this, I wasn't -- I 19 hadn't written this -- it -- I hadn't written this -- well, 20 I'm confused, then. Sorry.</p> <p>21 Q. We're talking act -- let's bring back Exhibit 22 4.</p> <p>23 A. No. I guess I'm --</p> <p>24 Q. Exhibit 4 is an oral warning and Exhibit 5 is 25 an unsatisfactory performance evaluation?</p>	<p style="text-align: right;">Page 36</p> <p>1 don't remember what was the guiding point that -- I don't 2 remember the specific discussions, no, but I spoke to both 3 of them, yes.</p> <p>4 Q. Okay.</p> <p>5 A. I needed guidance.</p> <p>6 Q. Okay. And that's my question, then. When you 7 say guidance, what kind of guidance?</p> <p>8 A. Well, I voted and I needed guidance. I had 9 questions. I asked questions.</p> <p>10 Q. What questions --</p> <p>11 A. I don't remember. I'm sorry. I don't remember 12 that.</p> <p>13 Q. That's fine. All right. Let me ask you. Were 14 your questions about whether you should give her an 15 unsatisfactory or not?</p> <p>16 A. No. It was about what I had written was 17 appropriate or not.</p> <p>18 Q. So you had already made up your mind giving her 19 unsatisfactory?</p> <p>20 MS. CHU: Objection. Misstates testimony. 21 Come on, Dick. Let her answer the question.</p> <p>22 MR. SEGERBLUM: I'm going to.</p> <p>23 THE WITNESS: No, it was not my intention at 24 that time -- I wrote up -- when you do an evaluation, you 25 just write it up. Then you go to people and say what do</p>
<p style="text-align: right;">Page 35</p> <p>1 A. Yes.</p> <p>2 Q. And my original question was, when you prepared 3 Exhibit 4, was it your intention to give my client an 4 unsatisfactory evaluation, which is Exhibit 5?</p> <p>5 A. No. Not at that point, no.</p> <p>6 Q. All right. So that's what I'm trying to do.</p> <p>7 A. I don't think so.</p> <p>8 Q. I'm trying to figure out how you arrived at 9 Exhibit 5, which is an unsatisfactory evaluation. What 10 happened between giving Exhibit 4 and Exhibit 5, if 11 anything?</p> <p>12 A. I don't remember. Just a second. I think I 13 spoke -- I'm not sure, but -- I'm not sure, but I think I 14 spoke -- I reviewed everything and I spoke to Fran and 15 Isaac.</p> <p>16 Q. Okay. And as you understood your role as a 17 principal, back in 2011, were you allowed to give a poor 18 performance evaluation on your own --</p> <p>19 A. Yes.</p> <p>20 Q. -- or were you supposed to consult with anyone?</p> <p>21 A. I -- I could give a poor performance evaluation 22 on my own.</p> <p>23 Q. All right. But as you recall it -- well, you 24 don't recall -- you think you spoke to Ms. Juhasz --</p> <p>25 A. Oh. I know I spoke to both of them. I just</p>	<p style="text-align: right;">Page 37</p> <p>1 you think I should do?</p> <p>2 And then, on that guidance, that's what the 3 decisions were. Did I remember the exact questions and 4 discussions? Absolutely, I do not. I'm sorry.</p> <p>5 BY MR. SEGERBLUM:</p> <p>6 Q. That's fine. But --</p> <p>7 A. But --</p> <p>8 Q. -- that's what I'm trying to get to is, is it 9 your recollection that you wrote it up and then went to 10 Ms. Juhasz and Mr. Stein for guidance as to what the -- 11 whether the evaluations should result in unsatisfactory or 12 satisfactory?</p> <p>13 A. I guess that came into play somewhere. But 14 from the get-go, when I first started writing, the 15 intentions of note taking and writing the evaluation, back 16 in February, when I talked to Mr. Waldron, I had no idea 17 what I was going to write -- what I was going to mark her. 18 Does that make sense?</p> <p>19 Q. Absolutely. I hope, in February, you wouldn't 20 know.</p> <p>21 A. Yeah.</p> <p>22 Q. I'm talking about in June, after you'd given 23 her unsat -- oral warning, at that point, it sounds like you 24 still didn't know what you were going to give her and you 25 consulted with Mr. --</p>

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1 A. I consulted --  
 2 Q. -- Stein and Ms. Juhasz as to what the  
 3 evaluation should be --  
 4 A. Uh-huh.  
 5 Q. -- whether it was satisfactory or  
 6 unsatisfactory?  
 7 A. Right.  
 8 Q. Now, at the time you gave Ms. Rodriguez this  
 9 evaluation, which is Exhibit 5, were you aware she had a  
 10 previous unsatisfactory evaluation?  
 11 A. No. I never saw her folder.  
 12 Q. Okay. So you were not aware that there might  
 13 be any consequences to her status if you gave her  
 14 unsatisfactory?  
 15 A. No idea. I was clueless.  
 16 Q. And Ms. Juhasz never told you that?  
 17 A. Nope.  
 18 Q. And Mr. Stein never told you that?  
 19 A. No. Mr. Waldron never let me see her folder.  
 20 Q. But you didn't talk to -- did you talk to  
 21 Mr. Waldron, too, about the unsatisfactory?  
 22 A. I don't -- I don't think so.  
 23 Q. Okay.  
 24 A. You know, I'm not sure. I don't know. I  
 25 couldn't recall, but I don't think so.

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1 MR. SEGERBLOM: All right. We're done for  
 2 now. Did you guys have any questions?  
 3 MS. CHU: Not yet. Can we take a break?  
 4 MR. SEGERBLOM: Sure.  
 5 (Recess taken from 2:58 p.m. to 3:20 p.m.)  
 6 MS. CHU: Back on the record.  
 7  
 8 EXAMINATION  
 9 BY MS. CHU:  
 10 Q. So, Anita, I'm going to have you look at  
 11 Exhibit 1.  
 12 A. (Complied.) Yes.  
 13 Q. Do you recall, earlier, in your deposition,  
 14 testifying that you were aware that Ms. Malfavon had  
 15 concerns about audiotaping?  
 16 A. I remember -- yes.  
 17 Q. Okay.  
 18 A. Being asked questions, yes.  
 19 Q. How did you become aware that Ms. Malfavon had  
 20 concerns about the audiotaping?  
 21 A. Back in September -- early September, I just  
 22 can clarify that I just remember it was a time we put up the  
 23 signs for fire exit and videotaping signs right next to the  
 24 fire exit. She asked me if there were -- if we audiotaped  
 25 and I said "no."

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1 Q. So at the time she asked you about audiotaping,  
 2 did she issue any complaints to you about cameras?  
 3 A. She did not.  
 4 Q. So looking at Exhibit 1, when you first saw the  
 5 memo and, specifically, paragraph 1, allegations of  
 6 audiotaping employees throughout the work day --  
 7 A. Uh-huh.  
 8 Q. -- were you aware, at the time, of who had made  
 9 allegations or which employees had addressed allegations of  
 10 audiotaping to Mr. Stein?  
 11 A. No.  
 12 Q. What about after your meeting with Mr. Stein?  
 13 A. No.  
 14 Q. If you could turn to Exhibit 3.  
 15 A. (Complied.)  
 16 Q. And then Bates-stamp No., within Exhibit C,  
 17 CCSD000336.  
 18 A. (Complied.) Yes.  
 19 Q. You testified, earlier, in your deposition,  
 20 that the page prior to 336, which is 335 --  
 21 A. Uh-huh.  
 22 Q. -- was part of the attachment to the e-mail  
 23 depicted on 336; is that correct?  
 24 A. That's correct.  
 25 Q. If you look at page 335.

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1 A. (Complied.) Yes.  
 2 Q. Do you see how that number 6, on the page, is  
 3 circled?  
 4 A. Uh-huh.  
 5 Q. Did you place that circle?  
 6 A. No.  
 7 Q. Do you know who did?  
 8 A. No.  
 9 Q. Turning back to page 336.  
 10 A. (Complied.)  
 11 Q. The last sentence in the e-mail that you wrote  
 12 to Fran states, "Please refer to directive item # 6." Is  
 13 that correct?  
 14 A. Yes.  
 15 Q. Why were you referring directive item No. 6 to  
 16 Fran, if you recall?  
 17 A. Because I didn't want it to be misinterpreted  
 18 as retaliatory.  
 19 Q. Why do you believe it would have been  
 20 interpreted as retaliatory?  
 21 A. Because it'll -- the number 6, how it reads.  
 22 When, in fact, I had started documentation back in probably  
 23 November, December that I had. And it continued on through  
 24 this time period.  
 25 Q. And you're talking about issues that you had

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1 with Ms. Malfavon's duties and --  
 2 A. That's correct.  
 3 Q. -- responsibilities?  
 4 A. That's correct.  
 5 Q. Okay. Did you give the oral warning to  
 6 Ms. Malfavon in retaliation for anything?  
 7 A. No.  
 8 MS. CHU: That's all the questions I have.  
 9 MR. SEGERBLOM: All right. I have to remember  
 10 what I was going to ask.

## FURTHER EXAMINATION

13 BY MR. SEGERBLOM:  
 14 Q. Would you look at Exhibit 5.  
 15 A. (Complied.) Five. Okay. Sorry.  
 16 Q. All right. Earlier, you testified that when  
 17 you gave my client Exhibit 5, which is an unsatisfactory  
 18 evaluation, you were not aware of her previous evaluation;  
 19 is that correct?  
 20 A. That's correct.  
 21 Q. Okay. If you look about the middle of the  
 22 page, the first page of Exhibit 5, it states, "Previous  
 23 Directions," and there's a number 1. It says, "June 24,  
 24 2010 evaluation."  
 25 A. Uh-huh.

1 A. Secretary.  
 2 Q. Okay. And she just sent page 2?  
 3 A. Uh-huh.  
 4 Q. Is that a "yes"?  
 5 A. Yes. Sorry.  
 6 Q. And then you talked to Fran and Fran said she'd  
 7 look into it?  
 8 A. I think that's how it went. I'm not -- yeah, I  
 9 think so.  
 10 Q. All right. And then you never heard anything  
 11 further?  
 12 A. Huh-uh.  
 13 Q. Is that a "yes"?  
 14 A. Yes. Sorry.  
 15 Q. All right. So you don't know if Fran ever saw  
 16 page 1 or not?  
 17 A. No, I don't.  
 18 Q. Okay.  
 19 (Pause in the proceedings.)  
 20 MR. SEGERBLOM: Oh, right. Two other  
 21 questions.  
 22 BY MR. SEGERBLOM:  
 23 Q. We've talked about cameras at AIS. And would  
 24 you agree, at Gorman, you had cameras installed?  
 25 A. Uh-huh. Yes.

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1 Q. "Focus on providing value as an  
 2 administrator."  
 3 A. Uh-huh.  
 4 Q. Okay. Do you recall how you learned that  
 5 information if you weren't aware of the evaluation?  
 6 A. Yeah. Fran asked me to get a copy of her last  
 7 evaluation from Brad Waldron's office. And, so, I called  
 8 Brad Waldron's office and I requested it and I get page 2.  
 9 Q. Okay. And do you recall when that was?  
 10 A. No. No.  
 11 Q. And then you didn't question why you only got  
 12 page 2?  
 13 A. I questioned it to Fran. She said she'd look  
 14 into it.  
 15 Q. All right. And didn't --  
 16 A. Never heard back.  
 17 Q. Never heard back. You believe that was during  
 18 this process that we described in late May and June?  
 19 A. No, it was earlier. I asked to look at her  
 20 folder in November and was turned down.  
 21 Q. And you talked to Fran, at the time, and --  
 22 well, you talked to Brad and he sent page 2?  
 23 A. No, I never talked to Brad.  
 24 Q. Okay. You talked to his -- who did you talk to  
 25 get page 2?

1 Q. All right. Do you know if those were paid by  
 2 school -- with called school-generated funds?  
 3 A. I don't recall.  
 4 Q. Do you know what -- you know what  
 5 school-generated funds are?  
 6 A. That's correct.  
 7 Q. Would there be some type of an invoice if they  
 8 weren't -- if they were paid by some fund other than  
 9 school-generated funds?  
 10 A. I would think so, yes.  
 11 Q. All right. Now, you -- did you stay at AIS  
 12 until you retired?  
 13 A. Yes.  
 14 Q. Okay. We've looked at a memo, I guess -- what  
 15 is it called -- summary of conference, dated May 19, 2011,  
 16 while you were at AIS Gorman.  
 17 A. Which one is that?  
 18 Q. That's Exhibit 2.  
 19 A. Let me just find it. Yes.  
 20 Q. Okay. Subsequent to receiving that document,  
 21 had you received any other disciplinary document regarding  
 22 your conduct at Gorman High School?  
 23 A. I don't think so.  
 24 Q. Okay. So no reprimands for cameras at Gorman  
 25 High School?



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1	A. No.	1	CERTIFICATE OF DEPONENT
2	MR. SEGERBLOM: Okay. All right. One more	2	PAGE LINE CHANGE REASON
3	question.	3	
4	MS. CHU: Okay.	4	
5	MR. SEGERBLOM: Or break, I mean.	5	
6	(Recess taken from 3:29 p.m. to 3:30 p.m.)	6	
7	MR. SEGERBLOM: Nothing further. She has a	7	
8	question?	8	
9	MS. CHU: I'll be real quick. Thank you. Back	9	
10	on record?	10	
11		11	
12	FURTHER EXAMINATION	12	
13	BY MS. CHU:	13	
14	Q. So, Anita, you received, just now, that -- for	14	
15	Exhibit 5, you didn't see Elena's previous --	15	
16	Ms. Malfavon's -- I'm sorry -- Ms. Malfavon's previous	16	
17	evaluation before issuing your own performance evaluation,	17	
18	correct?	18	
19	A. That's correct.	19	
20	Q. And then you testified that you saw page 2?	20	
21	A. That's all I got.	21	
22	Q. Can you clarify what was on page 2.	22	
23	A. On page 2 was just the previous directions.	23	
24	There were -- I think there were more than two directives	24	
25	from what I can remember.	25	
Page 47		Page 49	
1	Q. Okay. So there wasn't any type of performance	1	REPORTER'S CERTIFICATE
2	evaluation as far as --	2	STATE OF NEVADA )
3	A. There's no quantifier.	3	) ss:
4	MS. CHU: Okay. All done.	4	COUNTY OF CLARK )
5	MR. SEGERBLOM: All right.	5	I, Gina DiLuzio, a duly commissioned Notary
6	(Whereupon, the deposition was concluded at	6	Public, Clark County, State of Nevada, do hereby certify:
7	3:31 p.m.)	7	That I reported the deposition of ANITA WILBUR,
8		8	commencing on Thursday, October 23, 2014, at 2:01 p.m.
9		9	That prior to being deposed, the deponent was duly
10		10	sworn by me to testify to the truth. That I thereafter
11		11	transcribed my said shorthand notes into typewriting and
12		12	that the typewritten transcript is a complete, true and
13		13	accurate transcription of my said shorthand notes, and a
14		14	request has been made to review the transcript.
15		15	I further certify that I am not a relative,
16		16	employee of counsel of any of the parties, nor a relative or
17		17	employee of the parties involved in said action, nor a
18		18	person financially interested in the action.
19		19	IN WITNESS WHEREOF, I have set my hand in my
20		20	office in the County of Clark, State of Nevada, this 6th day
21		21	of November, 2014.
22		22	
23		23	
24		24	
25		25	

## **EXHIBIT 23**



**CONDENSED  
TRANSCRIPT**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

ELENA RODRIGUEZ-MALFAVON,

Plaintiff,

vs.

CLARK COUNTY SCHOOL  
DISTRICT, EDWARD GOLDMAN  
and ANITA WILBUR,

Defendants.

CASE NO.:

2:12-cv-1673-MMD-PAL

DEPOSITION OF ANITA WILBUR

THURSDAY, DECEMBER 4, 2014

1:12 P.M.

AT 700 SOUTH THIRD STREET

LAS VEGAS, NEVADA

REPORTED BY: MICHELLE R. FERREYRA, CCR No. 876  
JOB NO. 228869-A

ANITA WILBUR - 12/04/2014

<p>Page 2</p> <p>1 DEPOSITION OF ANITA WILBUR, 2 taken at 700 South Third Street, Las Vegas, Nevada, on 3 THURSDAY, DECEMBER 4, 2014, at 1:12 p.m., before 4 Michael R. Berry, a Certified Court Reporter, in and 5 for the State of Nevada. 6 APPEARANCES: 7 For the Plaintiff: 8 LAW OFFICES OF RICHARD SEGERBLOM 9 BY: RICHARD SEGERBLOM, ESQ. 10 700 South Third Street 11 Las Vegas, NV 89101 12 (702) 388-9600 13 (702) 385-2909 Fax 14 rsegerblom@lvcoxmail.com 15 16 For Clark Defendants County School District, Anita 17 Wilbur and Edward Goldman: 18 LITTLER MENDELSON 19 BY: ETHAN D. THOMAS, ESQ. 20 3960 Howard Hughes Parkway 21 Suite 300 22 Las Vegas, NV 89169 23 (702) 862-8800 24 (702) 290-8420 Fax 25 edthomas@littler.com</p>	<p>Page 4</p> <p>1 LAS VEGAS, NEVADA, THURSDAY, DECEMBER 4, 2014; 2 1:12 P.M. 3 -000- 4 (Exhibits 1 and 2 marked) 5 (In an off-the-record discussion held prior to the 6 commencement of the deposition proceedings, counsel 7 agreed to waive the court reporter requirements under 8 Rule 30(b) (4) of the Nevada Rules of Civil Procedure.) 9 10 Whereupon, 11 ANITA WILBUR, 12 having been first duly sworn to testify to the truth, 13 the whole truth and nothing but the truth, was examined 14 and testified as follows: 15 16 EXAMINATION 17 BY MR. SEGERBLOM: 18 Q. Would you state your name, please. 19 A. Anita Wilbur. 20 Q. Ms. Wilbur, we are going to hopefully be 21 fairly brief. I took your deposition about a month 22 ago. In the meantime, some documents have come to my 23 attention that I wanted to just get your testimony 24 about. And what the documents are, just for a 25 preliminary, they are e-mails related to a process</p>
<p>Page 3</p> <p>1 I N D E X 2 WITNESS: ANITA WILBUR 3 EXAMINATION 4 Examination By Mr. Segerblom 5 6 7 EXHIBITS 8 EXHIBIT 9 EXHIBIT 1 String of e-mails related to 10 a process whereby the evaluation 11 was created for Ms. Rodriguez in 12 June of 2011 13 14 EXHIBIT 2 Attachments to e-mails in 15 Exhibit 1 string of e-mails 16 17 18 19 20 21 22 23 24 25</p>	<p>Page 5</p> <p>1 whereby the evaluation was created for my client in 2 June of 2011. And so I would like you to first look at 3 what we have mark as Exhibit 1. 4 This is just a series of e-mails back and 5 forth. I think you're copied on virtually all of them. 6 I think you are on all of them. And then Exhibit 2, 7 just for the record, is our attachments, which were 8 identified in the e-mail that's the first page of 9 Exhibit 1. 10 A. Uh-huh. 11 Q. All right. Have you had a chance to look at 12 those at all? 13 A. I -- I reviewed them a couple of days ago. 14 Q. Well, I will ask you questions, but feel free 15 to take all the time you want to take with response to 16 a question. First, do you recall why this evaluation 17 was done at this time, this time as far as around June? 18 My understanding administrative evaluations are done at 19 the end of the school year. 20 A. That was the end of the school year. 21 Q. Now, if you look, they all have a Bates stamp 22 number at the bottom right corner. 23 A. Yes. 24 Q. But they're actually a little out of sequence, 25 as far as time goes.</p>

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1 A. Okay.  
 2 Q. But if you look at the first one we have, this  
 3 would be the one that's Bates stamped 2168.  
 4 A. Okay.  
 5 Q. This appears to be an e-mail from Fran Juhasz  
 6 to you dated May 31, 2011?  
 7 A. Uh-huh.  
 8 Q. Is that a yes?  
 9 A. Yes. I'm sorry.  
 10 Q. That's all right. We will get there.  
 11 Do you recall what prompted this e-mail?  
 12 A. Like, what do you mean?  
 13 Q. It looks like Ms. Juhasz -- well, actually, I  
 14 apologize. This is actually two e-mails. At the  
 15 bottom it says -- Anita Wilbur writes, Fran, I need to  
 16 do an eval. And then the top part, Ms. Juhasz has  
 17 replied to you?  
 18 A. Uh-huh.  
 19 Q. All right.  
 20 MR. THOMAS: Is that a yes?  
 21 THE WITNESS: Yes.  
 22 BY MR. SEGERBLOM:  
 23 Q. So you write, looking again at this Document  
 24 2168, you write, Fran, I need to do her eval. I need  
 25 your help. Thanks. You don't say whose eval, so was

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1 there something beyond this e-mail that would have told  
 2 Fran who you were referring to?  
 3 A. I probably talked to her on the phone, I  
 4 think. I don't know. I don't recall.  
 5 Q. Okay.  
 6 A. I don't recall.  
 7 Q. All right. Looking at the top of the e-mail  
 8 where it says from and then it says subject and then  
 9 to. Subject it says, RE: 3 ERM. Do you know what the  
 10 3 there represents?  
 11 A. It was the third interchange.  
 12 Q. With respect to this particular e-mail, right?  
 13 A. I think so.  
 14 Q. Okay. So --  
 15 A. I think -- I think that's what it means.  
 16 Q. Just for the record, we don't apparently have  
 17 the first two, but although this particular e-mail may  
 18 be both the second and the third.  
 19 A. I don't know.  
 20 Q. Then let's look at this when you contacted  
 21 Ms. Juhasz and asked her for help on the evaluation for  
 22 Ms. Rodriguez, had you decided how you were going to  
 23 rate her?  
 24 A. Yes.  
 25 Q. Had you come to that independently?

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1 A. Yeah. Sort -- I had -- I had -- I had  
 2 conferred with -- I think Isaac Stein over the phone or  
 3 I'm not sure if it was over the phone or in person.  
 4 I'm not sure. And with Fran.  
 5 Q. So --  
 6 A. Because I had a collection -- over a  
 7 collection of things since January.  
 8 Q. Right.  
 9 A. Or December, maybe.  
 10 Q. Right.  
 11 A. I'm not sure of the dates and times.  
 12 Q. ~~So was the decision to rate her~~  
 13 ~~unsatisfactorily done in collaboration with Mr. Stein~~  
 14 ~~and Ms. Juhasz?~~  
 15 ~~Mr. I don't think her so much as Mr. Stein.~~  
 16 Q. Okay.  
 17 A. And maybe Brad Waldron. I -- because I can't  
 18 remember exactly, but I know there was discussion with  
 19 it previous to this time.  
 20 Q. Is there a reason why you contacted  
 21 Ms. Juhasz?  
 22 A. Yes. Because I needed help.  
 23 Q. Mr. Stein or Mr. Waldron couldn't help you  
 24 with that?  
 25 A. They told me to work with her since I had

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1 already called her a long time ago to -- to start  
 2 asking these kind of questions.  
 3 Q. In fact, you had just worked with her to  
 4 prepare a summary of conference?  
 5 A. Oh, yeah. Yes. That, too, yes. Sorry. I  
 6 forgot about that, yes.  
 7 Q. Now, in Ms. Juhasz's e-mail to you, she says,  
 8 I'll review -- or it says, You should draft it with a  
 9 discipline document we sent -- I apologize. Let's  
 10 start again.  
 11 Ms. Juhasz writes to you, Anita, you should  
 12 write to it with the discipline document sitting right  
 13 next to you. It should be an unsat, meaning  
 14 unsatisfactory, with at least one of the areas  
 15 receiving a 1 rating. Once it's drafted, you can send  
 16 it to me, along with a final copy of what you mailed to  
 17 her. I'll review, I'll have legal review, and then we  
 18 will have Eddie do a final. Do you know who she is  
 19 referring to when she says Eddie?  
 20 A. Oh, Dr. Goldman.  
 21 Q. Do you know why Dr. Goldman was included?  
 22 A. No clue.  
 23 Q. Apparently the next e-mail is 2165?  
 24 A. Okay.  
 25 Q. This is an e-mail -- I'm sorry, 2166. And

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<p style="text-align: right;">Page 10</p> <p>1 this is an e-mail from you to Ms. Juhasz, and</p> <p>2 apparently you attached your draft of the evaluation?</p> <p>3 A. I think there are drafts. I'm not sure -- I'm</p> <p>4 not sure. I'm not sure what they are exactly. I</p> <p>5 assume they are drafts.</p> <p>6 Q. Then if you look at the next page, 2167 --</p> <p>7 A. Uh-huh. Oh, there it is. Okay. Yeah, yeah,</p> <p>8 yeah. Sorry.</p> <p>9 Q. So now is this another e-mail that you wrote?</p> <p>10 A. Yes.</p> <p>11 Q. Now, I would like you to also look at</p> <p>12 Exhibit 2 because I want you to just verify something.</p> <p>13 If you look at 2167, at the very top it says, This doc</p> <p>14 is my typed version of your handwritten eval. And then</p> <p>15 if you look over on Exhibit 2, Bates stamped 2256 --</p> <p>16 A. 2256? Okay.</p> <p>17 Q. Can you determine whether that is the document</p> <p>18 you were referring to, which was your typed version of</p> <p>19 Ms. Juhasz' handwritten evaluation?</p> <p>20 A. I can't confirm that that's what it is.</p> <p>21 I -- I can't -- I mean, I don't know.</p> <p>22 Q. All right.</p> <p>23 A. It's one of these.</p> <p>24 Q. Okay.</p> <p>25 A. Sorry.</p>	<p style="text-align: right;">Page 12</p> <p>1 had typed something that Ms. Juhasz had given you in</p> <p>2 handwritten form?</p> <p>3 A. Just the template.</p> <p>4 Q. Then let's go ahead and look at 2267, which is</p> <p>5 part of Exhibit 2 in your left hand.</p> <p>6 A. What number?</p> <p>7 Q. 2267.</p> <p>8 MR. THOMAS: It's back on Exhibit 1.</p> <p>9 THE WITNESS: Oh, okay. I go the left hand.</p> <p>10 It was in my left hand.</p> <p>11 BY MR. SEGERBLOM:</p> <p>12 Q. 2257. I'm sorry.</p> <p>13 A. Oh, 2257. Okay.</p> <p>14 Q. I apologize for being so confusing. Now this</p> <p>15 is a document with handwriting on it. Is this, to your</p> <p>16 knowledge, your handwriting, Fran's handwriting?</p> <p>17 A. This is my handwriting.</p> <p>18 Q. Then turn to the next page, which is 2258?</p> <p>19 A. That's my handwriting.</p> <p>20 Q. That's your handwriting. So those are not the</p> <p>21 documents that you are referring to in Bates stamp 2167</p> <p>22 when you are talking about her handwritten, her being</p> <p>23 Fran Juhasz' handwritten evaluation?</p> <p>24 A. I don't -- I don't know. I don't know.</p> <p>25 Q. All right. That's fine. Now, is it your</p>
<p style="text-align: right;">Page 11</p> <p>1 Q. It's all right.</p> <p>2 A. That's all I know.</p> <p>3 Q. That's all you can do.</p> <p>4 A. I can't tell you which one is which one</p> <p>5 anymore.</p> <p>6 Q. That's fine.</p> <p>7 Do you recall how you received her handwritten</p> <p>8 evaluation?</p> <p>9 A. Whose handwritten evaluation?</p> <p>10 Q. Well, apparently based on your e-mail, Fran</p> <p>11 Juhasz had sent you a handwritten evaluation that you</p> <p>12 retyped?</p> <p>13 A. No.</p> <p>14 Q. Okay.</p> <p>15 A. I don't think so. Am I confused? I -- I</p> <p>16 wrote the evaluation. Is that what you are asking me?</p> <p>17 Q. Well, look at the first --</p> <p>18 A. I'm confused.</p> <p>19 Q. On 2167 --</p> <p>20 A. Yeah.</p> <p>21 Q. -- at the top it says, 060111 ERM eval,</p> <p>22 revised word. Then underneath it says, This doc is my</p> <p>23 typed version of your handwritten eval; correct?</p> <p>24 A. Yes.</p> <p>25 Q. So I assume, based on your statement, that you</p>	<p style="text-align: right;">Page 13</p> <p>1 understanding that Dr. Goldman had to approve the</p> <p>2 evaluation of Ms. Rodriguez?</p> <p>3 A. I didn't have an understanding of that.</p> <p>4 Q. So if you look at the first page of Exhibit 1,</p> <p>5 which is Bates stamped 2163, if you read the top, it</p> <p>6 says, Anita, the documents are approved for Dr. Goldman</p> <p>7 for issuing.</p> <p>8 A. At that point in time, I -- I realized he was</p> <p>9 involved. But before that, I was doing what I was</p> <p>10 doing.</p> <p>11 Q. That's fine. But it was your understanding</p> <p>12 that he had approved what was being done?</p> <p>13 A. Probably, yes. At this point in time, yes.</p> <p>14 Q. I think you testified in the previous</p> <p>15 deposition, you were not aware if this was the first</p> <p>16 negative evaluation or the second negative evaluation?</p> <p>17 <del>A. All I had was page 2 of her evaluation.</del></p> <p>18 Q. All right. And --</p> <p>19 <del>A. Never seen the folder.</del></p> <p>20 Q. And you were not aware if any consequences</p> <p>21 would flow from a negative evaluation?</p> <p>22 A. (Witness shakes head.)</p> <p>23 Q. Is that a no?</p> <p>24 A. I'm sorry, no.</p> <p>25 Q. <del>All right. But you were aware that she had</del></p>

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1 been RIF'd at this point?

2 A. No, I don't believe so.

3 MR. SEGERBLUM: All right. Did you have any  
4 questions?

5 MR. THOMAS: I don't think so.

6 MR. SEGERBLUM: Let me just talk to her real  
7 quick.

8 (Off the record.)

9 MR. SEGERBLUM: All right. No further  
10 questions.

11 MR. THOMAS: You are done.

12 (Thereupon, the deposition concluded at  
13 1:28 p.m.)  
14  
15  
16  
17  
18  
19  
20  
21  
22  
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24  
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## CERTIFICATE OF DEPONENT

2 PAGE LINE CHANGE REASON

PAGE	LINE	CHANGE	REASON
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\* \* \* \* \*

15 I, ANITA WILBUR, deponent herein, do hereby certify and  
16 declare under the penalty of perjury the within and  
17 foregoing transcription to be my deposition in said  
18 action; that I have read, corrected and do hereby affix  
19 my signature to said deposition.

20  
21  
22  
23 ANITA WILBUR, Deponent  
24  
25

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## CERTIFICATE OF REPORTER

2 STATE OF NEVADA )

COUNTY OF CLARK )

3 I, Michelle R. Ferreyra-Marez, a Certified Court  
4 Reporter licensed by the State of Nevada, do hereby  
5 certify: That I reported the deposition of ANITA  
6 WILBUR, commencing on THURSDAY, DECEMBER 4, 2014, at  
7 1:12 p.m.

8 That prior to being deposed, the witness was  
9 duly sworn by me to testify to the truth. That I  
10 thereafter transcribed my said stenographic notes into  
11 written form, and that the typewritten transcript is a  
12 complete, true and accurate transcription of my said  
13 stenographic notes, and that a request has been made to  
14 review the transcript.

15 I further certify that I am not a relative,  
16 employee or independent contractor of counsel or of any  
17 of the parties involved in the proceeding, nor a person  
18 financially interested in the proceeding, nor do I have  
19 any other relationship that may reasonably cause my  
20 impartiality to be questioned.

21 IN WITNESS WHEREOF, I have set my hand in my  
22 office in the County of Clark, State of Nevada, this  
23 17th day of December, 2014.

24  
25 MICHELLE R. FERREYRA, CCR No. 876

## **EXHIBIT 24**





## EDWARD GOLDMAN - 10/24/2014

Page 2		Page 3	
1	DEPOSITION OF EDWARD GOLDMAN, taken at 700 South	1	I N D E X
2	Third Street, Las Vegas, Nevada, on Friday, October 24,	2	WITNESS: EDWARD GOLDMAN
3	2014, at 1:06 p.m., before Tammy M. Breed, Certified	3	EXAMINATION
4	Court Reporter, in and for the State of Nevada.	4	BY: Mr. Segerblom
5		5	BY: Mr. Hicks
6	APPEARANCES:	6	
7	For the Plaintiff:	7	
8	RICHARD SEGERBLOM, ESQ.	8	
9	700 South Third Street	9	
10	Las Vegas, Nevada 89101	10	
11	(702) 388-9600	11	
12	rsegerblom@lvcoxmail.com	12	
13	For the Defendants:	13	
14	PATRICK H. HICKS, ESQ.	14	
15	Little Mendelson, P.C.	15	
16	3960 Howard Hughes Parkway	16	
17	Suite 300	17	
18	Las Vegas, Nevada 89169-5937	18	
19	(702) 862-7700	19	
20	phicks@littler.com	20	
21	Also Present:	21	
22	Elena Rodriguez-Malfavon	22	
23		23	
24		24	
25		25	
Page 4		Page 5	
1	EDWARD GOLDMAN	1	Exhibit 8 Defendant Edward Goldman's
2	ELENA RODRIGUEZ-MALFAVON vs. CLARK COUNTY SCHOOL	2	Responses to Plaintiff's First
3	DISTRICT	3	Set of Interrogatories
4	Friday, October 24, 2014	4	Exhibit 9 Defendant Clark County School
5	Tammy M. Breed, CCR No. 305	5	District's Responses to
6	E X H I B I T S	6	Plaintiff's Second Set of
7	EXHIBIT	7	Interrogatories
8	Exhibit 1 Memo from Isaac Stein to Anita	8	
9	Wilbur, Dated 4/28/11, 1 page	9	
10	Exhibit 2 CCSD Record of Personnel	10	
11	Notification of Employee Anita	11	
12	Wilbur, Dated 5/19/11, 1 page	12	
13	Exhibit 3 Copies of e-mails, Bates CCSD	13	
14	309 to 339	14	
15	Exhibit 4 CCSD Record of Personnel	15	
16	Notification of Employee Elena	16	
17	Rodriguez-Malfavon, Dated	17	
18	5/26/11, 2 pages	18	
19	Exhibit 5 CCSD Performance Evaluation	19	
20	Report - Central Office	20	
21	Administrator of Employee Elena	21	
22	Rodriguez-Malfavon, Dated	22	
23	6/2/11, 2 pages	23	
24	Exhibit 6 Negotiated Agreement between the	24	
25	CCSD and the Clark County	25	
	Association of School		
	Administrators and		
	Professional-technical Employees		
	2009-2011, Pages 43 to 46		
	Exhibit 7 Negotiated Agreement between the		
	CCSD and the Clark County		
	Association of School		
	Administrators and		
	Professional-technical Employees		
	2011-2013, Pages 42-49		

EDWARD GOLDMAN - 10/24/2014

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1 Las Vegas, Nevada; Friday, October 24, 2014

2 1:06 p.m.

3 -oOo-

4 Whereupon --

5 EDWARD GOLDMAN

6 having been first duly sworn to testify to the truth,  
7 was examined and testified as follows:

## 8 EXAMINATION

9 BY MR. SEGERBLOM:

10 Q. State your name, please.

11 A. Edward Goldman, G-O-L-D-M-A-N.

12 Q. Mr. Goldman, as far as I understand, you work for  
13 the Clark County School District?

14 A. Yes.

15 Q. And you've worked there since about 1980?

16 A. One.

17 Q. '81, okay.

18 What is your current position?

19 A. I'm the associate superintendent for employee  
20 management relations.21 Q. All right. Did you previously have a title,  
22 something to do with negotiations?23 A. There was never a title specifying negotiations.  
24 My former title was the assistant superintendent for  
25

Page 8

1 A. ESD

2 Q. Okay, ESD. But she actually went to the school  
3 AIS (sic)?4 A. That was -- that was her assignment within the  
5 division, yes.

6 Q. All right. And the division was ESD?

7 A. Yes.

8 Q. That's -- you were in charge of that?

9 A. Yes.

10 Q. So was that an associate superintendent or  
11 assistant superintendent?12 A. Associate superintendent, Educational Services  
13 Division.14 Q. Did you -- were you actively involved in her  
15 transfer, or was that done by somebody else?

16 A. That was done by the superintendent.

17 Q. Did he consult with you?

18 A. He did not consult with me, the former supervisor  
19 of that -- I don't remember exact -- if she was director  
20 of purchasing did.

21 Q. Bramby Tollen?

22 A. Correct.

23 Q. All right. Do you recall if you knew that my  
24 client had received an unsatisfactory evaluation before  
25 she transferred?

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1 administrative operations.

2 Q. But was there a time when you were appointed to  
3 be in charge of any of the negotiations?

4 A. Yes.

5 Q. And when was that, if you recall?

6 A. The first time in 1989.

7 Q. I guess shouldn't have asked that question.

8 When's the last time, let's put it that way?

9 A. July of 19 -- 2011.

10 Q. Is that currently part of your current job or is  
11 it?

12 A. Yes.

13 Q. When you received the appointment to be in charge  
14 of negotiations, did you replace somebody? Was there an  
15 acting person or?

16 A. The chief negotiator was Fran Juhasz.

17 Q. All right. You're aware of my client, Ms.  
18 Rodriguez?

19 A. Yes.

20 Q. Okay. Do you recall when she transferred into  
21 your division back in 2010?22 A. I don't recall the exact year or time; but yeah,  
23 I recall when she was reassigned there, yes.24 Q. And she went from the purchasing department to  
25 the AI -- AHS or --

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1 A. I don't recall that discussion -- in the  
2 discussion she stated that she received an  
3 unsatisfactory evaluation. It didn't come up. She just  
4 said that she was trouble.

5 Q. She was trouble?

6 A. Yes.

7 Q. Okay. Bramby's kind of trouble too, but I guess  
8 that's another matter I guess.9 I'm going to show you what we'll mark as  
10 Exhibit 1.

11 (Exhibit No. 1 marked.)

12 MR. SEGERBLOM: And for the record this is a  
13 memo dated Thursday, April 28, 2011.14 Q. (BY MR. SEGERBLOM) Your name doesn't appear on  
15 here, so I don't know if you ever seen it before or not?

16 A. I don't recall that I did.

17 Q. Okay. All right. This is a memo from Isaac  
18 Stein to Anita Wilbur. Did you -- in April of 2011, did  
19 you know Mr. Stein?

20 A. Yes.

21 Q. Okay. And what was his position?

22 A. He was one of the directors in a division  
23 assigned to the east area schools within the division.

24 Q. And did he report to you?

25 A. No.

EDWARD GOLDMAN - 10/24/2014

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1 Q. Who did he report to you?  
 2 A. Brad Waldron.  
 3 Q. Okay. What was Mr. Waldron's position?  
 4 A. Mr. Waldron was the executive director of the  
 5 education services division.  
 6 Q. And how Anita Wilbur, do you recall what her  
 7 position was?  
 8 A. She was the principal of the academy for  
 9 individualized study.  
 10 Q. Would Mr. Stein have been her supervisor?  
 11 A. Yes.  
 12 Q. Now, you said you didn't recognize the document,  
 13 but do you recall sometime in spring of 2011 that  
 14 Mr. Stein was investigating issues about audio taping by  
 15 Ms. Wilbur?  
 16 A. Yes.  
 17 Q. When did you first learn about that?  
 18 A. I don't know.  
 19 Q. What do you recall knowing about it?  
 20 A. Just that he mentioned to me that they were  
 21 concerns or complaints, I can't remember the exact  
 22 words, regarding Mrs. Wilbur audio and/or visual taping  
 23 that was occurring in her office or at the school.  
 24 Q. Did he mention anyone who was complaining?  
 25 A. I don't recall that he mentioned any names

Page 12

1 A. It would depend on the nature of it; but yeah, I  
 2 would expect if they were disciplining and certainly an  
 3 administrator they would tell me about it.  
 4 Q. Okay. I'm going to show you what's marked as  
 5 Exhibit 3.  
 6 (Exhibit No. 3 marked.)  
 7 Q. (BY MR. SEGERBLOM) Even though it's a 30-page  
 8 document, we'll only be talking about a couple of pages,  
 9 but if you want to look at the whole thing.  
 10 A. It's probably easier if you just ask me  
 11 questions. If I need the document, I'll look at it.  
 12 Q. All right. I'll just represent to you that this  
 13 is basically a series of e-mails from I think May 20th  
 14 to May 27th that relate to an oral warning which was  
 15 given to my client. And the e-mails are primarily  
 16 between Ms. Wilbur and Fran Juhasz, but in a couple of  
 17 places there's a reference to you and then there's also  
 18 what appears to be maybe even a response, an e-mail from  
 19 you as part of the train -- chain of command -- chain,  
 20 not chain of command, part of the e-mail chain.  
 21 Do you recall, sitting here today, an e-mail  
 22 interaction with Ms. Juhasz and Ms. Wilbur regarding my  
 23 client back in May of 2011?  
 24 A. No.  
 25 Q. All right. This -- and actually I'll tell you

Page 11

1 but. . .  
 2 Q. Okay. All right. I'll show you what's marked as  
 3 Exhibit 2.  
 4 (Exhibit No. 2 marked.)  
 5 Q. (BY MR. SEGERBLOM) I apologize, but this is the  
 6 only copy we have. Obviously the signatures are  
 7 illegible, but I will represent to you that this is a  
 8 Summary of Conference that was given to Ms. Wilbur, May  
 9 19th, 2011. And in her deposition she testified that  
 10 she had signed for this and that it was given to her by  
 11 Mr. Stein.  
 12 Do you recall Mr. Stein giving Ms. Wilbur a  
 13 Summary of Conference about the audio taping and other  
 14 issues that spring?  
 15 A. I don't recall that he did or didn't.  
 16 Q. Okay. Is this something that in the normal  
 17 course he would be required to tell you about?  
 18 A. He wouldn't be required since it's not a  
 19 disciplinary document, but he may have. He probably  
 20 told me about it, but I don't recall that he did or did  
 21 not.  
 22 Q. Okay. Is -- in your -- when you were in charge  
 23 of ESD, were you -- did -- was it a requirement that any  
 24 time an employee was disciplined, they had to notify  
 25 you, somebody had to notify you?

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1 what, we'll give you another document just so you can  
 2 reference it. This is Exhibit 4.  
 3 (Exhibit No. 4 marked.)  
 4 Q. (BY MR. SEGERBLOM) I'll represent to you that  
 5 Exhibit 4 is the oral warning which resulted from the  
 6 e-mails which are Exhibit 3.  
 7 A. Okay.  
 8 Q. All right. Does that refresh your memory as far  
 9 as an oral warning that was given to my client back in  
 10 June -- or May of 2011?  
 11 A. No, but the document speaks for itself.  
 12 Q. All right, all right.  
 13 Then, if you would, looking at the larger  
 14 document, which is Exhibit 3, turn to the Bates stamp  
 15 from 309 to 339, if you'll turn to the one that is Bates  
 16 stamped 316. It's in the bottom right corner.  
 17 A. Okay.  
 18 (Pause in the proceedings.)  
 19 Q. (BY MR. SEGERBLOM) All right. So on the  
 20 document Bates stamped 316, there's an e-mail from Ms.  
 21 Juhasz to Ms. Wilbur. And in that e-mail Ms. Juhasz  
 22 says that she's working with Dr. Goldman on this. (As  
 23 read): Per Dr. Goldman, please do not do anything  
 24 further until I hear back from him.  
 25 Again, as you sit here today, you don't have any

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<p style="text-align: right;">Page 14</p> <p>1 recollection of?</p> <p>2 A. I don't recall all the specifics here. By the</p> <p>3 way, this document's from Anita to Fran, not the other</p> <p>4 way around, at least as far as the caption appears</p> <p>5 there.</p> <p>6 Q. Right.</p> <p>7 A. Yes.</p> <p>8 Q. Would it be customary for you to work with Ms.</p> <p>9 Juhasz in developing an oral warning for an</p> <p>10 administrator in your division?</p> <p>11 A. No, not working with Ms. Juhasz. She -- that was</p> <p>12 her job, and Ms. Wilbur would have been referred to her</p> <p>13 to work with her on making sure the document was</p> <p>14 correctly written, the right things said, what needed to</p> <p>15 be included, not included, that type of stuff. And so</p> <p>16 that's who was working with her, uh, in EMR with --</p> <p>17 that's who was working with Ms. Wilbur in EMR was Fran</p> <p>18 Juhasz. But they certainly would have kept me apprised</p> <p>19 of anything that was out of the ordinary or something</p> <p>20 that was serious or whatever. It would not be uncommon</p> <p>21 for them to keep me informed about it. But I can't tell</p> <p>22 you today what, if anything, I was specifically advised</p> <p>23 of.</p> <p>24 Q. So it's your belief that this would have been out</p> <p>25 of the ordinary, whatever was going on, but you can't</p>	<p style="text-align: right;">Page 15</p> <p>1 recall why it was out of the ordinary?</p> <p>2 A. No --</p> <p>3 MR. HICKS: Objection, misstates the</p> <p>4 testimony.</p> <p>5 THE WITNESS: -- that's not what I -- that's</p> <p>6 not what I said. I said they would have kept me advised</p> <p>7 in normal course of events, but I can't tell you I</p> <p>8 specifically recall that -- what -- in this case they</p> <p>9 would have apprised -- specifically they would apprise</p> <p>10 me of it. They would have apprised me of discipline</p> <p>11 related to an administrator.</p> <p>12 Q. (BY MR. SEGERBLUM) All right. So that was my</p> <p>13 question. So is it your testimony that any discipline</p> <p>14 that was given to an administrator here in division, you</p> <p>15 would have been involved in -- at least been apprised of</p> <p>16 by Ms. Juhasz and the principal?</p> <p>17 A. Well, Ms. Juhasz was not always involved, so</p> <p>18 whoever was involved would have. Except if it was</p> <p>19 Mr. Waldron he knew what he needed -- what he needed to</p> <p>20 do, what needed to be done he probably would just tell</p> <p>21 me what occurred. Ms. Juhasz knew what needed to be</p> <p>22 done. Those things she felt that I should have been</p> <p>23 told about, she would have at that stage.</p> <p>24 And Ms. Wilbur was not that familiar with writing</p> <p>25 disciplinary documents, so she would -- she may -- would</p>
<p style="text-align: right;">Page 16</p> <p>1 have called me if Mr. Waldron or Mr. Stein told her that</p> <p>2 she should talk to me or something like that, or she</p> <p>3 just may have called me. In which case, I probably</p> <p>4 would have referred her to Ms. Juhasz if it was how to</p> <p>5 write one correctly.</p> <p>6 Q. All right. If you will turn to the document</p> <p>7 Bates stamped 336, which is toward the end?</p> <p>8 A. (Witness complying.)</p> <p>9 Q. All right. This is an e-mail from Ms. Wilbur to</p> <p>10 Ms. Juhasz dated May 20th. And in the body of the</p> <p>11 e-mail she -- Ms. Wilbur states, (as read): I also need</p> <p>12 you to be aware of what I received yesterday. Please</p> <p>13 refer to directive item #6.</p> <p>14 And if you'll turn one page back to 335, you'll</p> <p>15 see that she's referring to the Summary of Conference</p> <p>16 that she had received on the day before, May 19th, and</p> <p>17 specifically Item 6 which says, (as read): Do not</p> <p>18 discuss these allegations with employees or take any</p> <p>19 retaliatory action against any employee.</p> <p>20 When you were involved in this process of giving</p> <p>21 the oral warning to my client, were you aware that --</p> <p>22 that Ms. Wilbur had just received her own Summary of</p> <p>23 Conference and then had been ordered not to retaliate</p> <p>24 against anybody?</p> <p>25 A. I'm sure I would have known at the time that</p>	<p style="text-align: right;">Page 17</p> <p>1 Mrs. Wilbur received a disciplinary document, but No. 6</p> <p>2 was pretty much routine in any cases that -- that I</p> <p>3 recall and certainly if that was Mr. Stein's practice to</p> <p>4 make sure that that line was included. It's included in</p> <p>5 many documents as a kind of routine matter to the -- to</p> <p>6 the person receiving the document, if that person</p> <p>7 supervises other people or if the document is as a</p> <p>8 result of people, employees complaining or something,</p> <p>9 that's a -- that is very often for just a routine</p> <p>10 direction.</p> <p>11 Q. All right. But specifically on 336 --</p> <p>12 A. Yes.</p> <p>13 Q. -- Ms. Wilbur was actually -- pointed out that</p> <p>14 that might be an item of concern with respect to the</p> <p>15 discipline given to Ms. Rodriguez. Do you recall ever</p> <p>16 being concerned that there might be a link between the</p> <p>17 discipline of Ms. Wilbur and then the discipline of</p> <p>18 Ms. Rodriguez?</p> <p>19 MR. HICKS: Can you read that question back,</p> <p>20 please?</p> <p>21 (The requested portion of the</p> <p>22 record was read by the reporter.)</p> <p>23 MR. HICKS: Objection, vague.</p> <p>24 Q. (BY MR. SEGERBLUM) You're allowed to answer.</p> <p>25 A. Okay. I would tell you, not in cases I dealt</p>

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1 with because I knew I would have known what Ms. Wilbur  
2 was being disciplined for and what she did or did not do  
3 and what Mrs. Rodriguez was being disciplined for. And  
4 if it was not legitimate, then in either -- either side,  
5 meaning Mrs. Wilbur or Mrs. Rodriguez, it probably would  
6 not have happened. So no, absolutely not that it was  
7 retaliatory.

8 Q. All right. But as you sit here today, you don't  
9 recall questioning anyone to make sure that there was no  
10 correlation between the two?

11 A. I don't recall that I did. I believe either of  
12 the two administrators in between would have told me.

13 Q. All right. I am going to show you what is marked  
14 as Exhibit 5.

15 (Exhibit No. 5 marked.)

16 (Telephone interruption.)

17 THE WITNESS: I apologize, this is my  
18 doctor.

19 (Pause in the proceedings.)

20 Q. (BY MR. SEGERBLON) Actually, if you still have 4  
21 there.

22 A. Yes.

23 Q. All right. You have in front of you --

24 A. Yes.

25 Q. -- Exhibits 4 and 5.

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1 A. Yes.

2 Q. All right. And this evaluation was her second  
3 unsatisfactory evaluation. Do you recall if that had  
4 any particular significance to the fact that she --  
5 there was a reduction in force going on?

6 A. No, absolutely not.

7 Q. Okay. So as far as you knew, just because you  
8 had two negative evaluations, the reduction of force  
9 would take place the same way?

10 A. If there was a reduction in force.

11 Q. But like you testified that she had been  
12 reduced -- there was a reduction in force?

13 A. Ultimately there was. But just making an  
14 unsatisfactory did not mandate that there be a reduction  
15 in force.

16 Q. Right.

17 A. If there was a reduction in force, then there was  
18 a question of who got reduced first, but it was not --  
19 elimination of positions does not necessarily mean there  
20 would be one.

21 Q. All right. Just so to break that out. So  
22 initially her position was reduced in force, but that  
23 did not mean that she would be -- she would still have a  
24 job, right, she could bump?

25 A. That's not an accurate description. Her

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1 Exhibit 4 is an oral warning that was given to my  
2 client on May 26th, and Exhibit 5 is an unsatisfactory  
3 evaluation, which was given to her on June the -- well,  
4 actually it's dated June the 2nd, 2011.

5 A. Okay.

6 Q. When you were -- well, do you recall if my client  
7 received a negative -- unsatisfactory evaluation in June  
8 of 2011?

9 A. I recall that she did, yes.

10 Q. All right. And were you aware at the time that  
11 she had been proposed for a reduction in force?

12 A. I don't recall the timing of when these -- these  
13 things took place. The reduction in force was as a  
14 result of a cut in positions that the superintendent  
15 decreed for every division. I don't recall the timing  
16 of what happened, first or second, or whether even  
17 elimination of positions would necessarily result in a  
18 reduction of force.

19 Q. Do you recall selecting her for a reduction in  
20 force?

21 A. I recall making the decision as to which  
22 positions -- that was direct -- to eliminate in the  
23 division.

24 Q. And -- but do you recall specifically picking her  
25 position to be eliminated?

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1 position, along with another one, was eliminated, so  
2 there's no more position. What happens to the  
3 individual in that position depends on whether in the  
4 district as a whole it would result in positions  
5 being -- I'm sorry, people being reduced in force as a  
6 result of elimination of positions.

7 Q. Right. But if her position was eliminated  
8 through a RIF, did she have bumping rights?

9 A. You're misstating.

10 Q. Okay.

11 A. You're misstating the process. So if her  
12 position was eliminated, and there was no other position  
13 that she could go into at her level -- she was  
14 non-licensed so -- met the job requirements or whatever,  
15 based on seniority, then it could result in a  
16 district-wide reduction in force. In which case she  
17 would subject to a reduction in force, which she was.

18 Q. All right. But you said seniority, so are you  
19 saying that if she was senior to somebody else at her  
20 level that even though her position was RIF'd, she would  
21 have a right to bump that person?

22 A. No, because that was the year that the  
23 legislature, you would know, mandated that the parties  
24 negotiate a procedure that could not be -- a procedure  
25 for reduction in force that could not be solely based on



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1 seniority, and that was in effect that year.

2 Q. All right. So were you -- you said you were  
3 aware that she received the negative evaluation?

4 A. Yes.

5 Q. Okay. But as you sit here today, you don't  
6 recall if that had any consequence to her as far as  
7 whether she would be RIF'd or not?

8 A. At the time I don't -- at the time that it was  
9 issued I don't recall, because I -- I don't recall that  
10 we knew or we were told what would -- that there would  
11 be a reduction in force, how many, and so forth. We  
12 could have been, I just don't recall that --

13 Q. Okay.

14 A. -- at that time.

15 Q. Do you recall in 2011 a change in the reduction  
16 of force process between the old contract and the new  
17 contract which was negotiated?

18 A. Yes.

19 Q. Okay. I'm going to show you what we'll mark as  
20 Exhibit 6 and 7.  
21 (Exhibit Nos. 6 & 7 marked.)

22 MR. HICKS: Is Exhibit 6 the old one and --

23 MR. SEGERBLOM: Yeah, Exhibit 6 is the -- on  
24 the front it says "2009-2011."

25 MR. HICKS: Thank you.

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1 MR. SEGERBLOM: And Exhibit 7 says on the  
2 front "2011-2013."

3 And what I've done is I've moved right to  
4 Article 26, which is the section which deals with  
5 reduction in force.

6 MR. HICKS: Okay.

7 Q. (BY MR. SEGERBLOM) You may know this just  
8 because of your position, but can you tell me how --  
9 what the change was between the 2009-2011 contract and  
10 the 2011-2013 contract with respect to reduction in  
11 force under 26-2?

12 A. Yes, I think I'm pretty much familiar with it so  
13 I may -- hope I can do this without having to read every  
14 word. The change -- the changes were of course the  
15 people who volunteered were the first to go, but then it  
16 was people who had been -- the next group or person to  
17 go was not seniority, but rather the person who had been  
18 twice rated as unsatisfactory within the last two years  
19 would be the next to be reduced in force.

20 And if there was further reductions in force then  
21 it would be -- cannot be made by that one, it would be,  
22 (as read): (2) successive contract years which resulted  
23 in a suspension of five days. Then we were going to  
24 suspensions. All those before seniority came into play.

25 Q. But the question is, what was the change. And if

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1 you look at Article 26-2 in the Exhibit 7, which is  
2 2011-2013 contract, there's a section -- or a sentence  
3 added which says, (as read): ~~"An administrator who is~~  
4 ~~reduced in force under the provisions of 26-2-2 will not~~  
5 ~~be recalled to an administrative position?"~~

6 A. Correct, that was another change that was made,  
7 yes.

8 Q. Okay. So that's what I was asking is can you  
9 explain --

10 A. I apologize.

11 Q. -- what that meant as far as could not be  
12 recalled?

13 A. Well, I would say there was no right to recall.  
14 Under the previous contract if you were -- if you were  
15 reduced in force and ended up in a different lower  
16 position, different bargaining unit, if a position  
17 opened up, as I recall, within two years of the time  
18 that the reduction in force occurred, you -- the  
19 employee had a right to return to his or her former  
20 position.

21 And after this contract was in place then there  
22 was no more rights to return to your former position if  
23 the reduction in force was as a result of unsatisfactory  
24 evaluations.

25 Q. All right. So as I understand it, if you -- if

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1 you were reduced in force because you had two  
2 unsatisfactory evaluations, under the old contract you  
3 could be recalled to administrative position, but under  
4 the new contract you were demoted to a -- a non-super --  
5 non-administrative position and you couldn't go back to  
6 an administrative position?

7 A. Correct.

8 Q. Now, do you know when that change took place  
9 between the old contract and the new contract?

10 MR. HICKS: Are you asking when it was  
11 negotiated, when it was applied, when it was adopted?

12 Q. (BY MR. SEGERBLOM) When it became effective?

13 A. It became effective -- it became effective when  
14 the -- July 1. Everything was retroactive July 1 of  
15 that year subsequent to ratification. So the -- if the  
16 contract was agreed -- I don't recall the dates, but if  
17 the contract was agreed to prior to July 1 of that year,  
18 it would have been effective July 1. If it was  
19 finalized after July 1, it would have been retroactive  
20 to July 1.

21 Q. All right. Show you what's marked as Exhibit 8.  
22 (Exhibit No. 8 marked.)

23 Q. (BY MR. SEGERBLOM) And I'll represent that this  
24 is your Responses to Interrogatories, which were  
25 propounded in this case. And I'd like you to

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1 specifically look at question number -- Interrogatory  
 2 No. 2, which is on page 3.  
 3 A. (Witness complying.) Okay.  
 4 Q. I don't know if you want to read it, but I just  
 5 want to verify --  
 6 A. I think I recall it.  
 7 Q. Okay. If you could just make sure that this is  
 8 in fact an accurate answer. The question was, did you  
 9 recommend Ms. Rodriguez's position be eliminated in the  
 10 2011-2012 RIF. And your answer indicates that -- that  
 11 in fact you did and that that was -- that decision  
 12 was -- that recommendation was made prior to May 2nd of  
 13 2011?  
 14 A. Yes.  
 15 Q. Okay. I'll show you what is marked as Exhibit 9.  
 16 (Exhibit No. 9 marked.)  
 17 MR. HICKS: Do you have a 9 for me?  
 18 MR. SEGERBLOM: I'm sorry, yes, I do.  
 19 Q. (BY MR. SEGERBLOM) Again, I would like you to  
 20 look at -- these are answers to interrogatories by the  
 21 Clark County School District. And on page 3,  
 22 Interrogatory No. 2, asks about the amendment to Article  
 23 26, which we just talked about.  
 24 A. Okay.  
 25 Q. All right. And is that answer accurate to the

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1 time period I would have reviewed what had already been  
 2 agreed to by the parties and where we were and get the  
 3 superintendent's direction as to what, if anything, else  
 4 you would like to have us propose or discuss the table  
 5 or not.  
 6 Q. Okay. And I think you previously said that  
 7 Ms. Juhasz had been in those negotiations before you  
 8 took them over?  
 9 A. Yeah, she was the chief negotiator up to the time  
 10 that I took over.  
 11 Q. So apparently she would know about those -- that  
 12 proposed change in the contract before you were  
 13 involved?  
 14 A. Yes, I would assume so. She was the negotiator,  
 15 I -- I was not, and it was already in place, in other  
 16 words agreed to, before I took the job over.  
 17 Q. All right. But as you sit here today, you don't  
 18 have any recollection of you -- Ms. Juhasz advising you  
 19 that if my client received a second bad evaluation that  
 20 under the new contract that was proposed, she would be  
 21 demoted and wouldn't have a chance to -- to go back to  
 22 administrative position?  
 23 A. I don't know that she did or did not or would  
 24 have to. I can read what was agreed to, you know, from  
 25 the association and what was proposed by the

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1 best of your knowledge?  
 2 A. Yes, to the best of my knowledge it is accurate.  
 3 Q. Now, we just talked about a change between the  
 4 two contracts where before an administrator who had two  
 5 negative evaluations and was demoted had a right to go  
 6 back to an administrative position, and under the new  
 7 contract that right was taken away and once you were  
 8 demoted you stayed demoted?  
 9 A. Correct.  
 10 Q. Do you recall when you actually learned of that  
 11 difference in the new contract?  
 12 A. When did I learn of it?  
 13 Q. Yes. Well, I guess the first question is: Were  
 14 you involved in negotiating that change?  
 15 A. Absolutely not, not one word of it.  
 16 Q. Okay. So when do you think you learned about it?  
 17 A. Probably when I was made the chief negotiator  
 18 in sometime June or July of 2011. We would review  
 19 the -- review everything that had been agreed to already  
 20 by -- the parties' negotiations I believe started in  
 21 February or before. I don't know, I wasn't involved.  
 22 But obviously we would review everything that had been  
 23 agreed to by the board and the association, in this case  
 24 the Association of School Administrators. And so  
 25 somewhere -- sometime in there -- sometime during that

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1 association. So it was pretty clear that that would  
 2 happen, so I don't know that she would have to advise me  
 3 of it or whether we even discussed it or not, but we  
 4 could have.  
 5 Q. Okay. But you're not -- I thought you testified  
 6 that you were not aware that when my client received the  
 7 second bad evaluation that she would lose her right to  
 8 be an administrator?  
 9 A. I believe what I said was that it was not nec --  
 10 it was not automatic that if the position was eliminated  
 11 she would actually lose her job. That would depend on  
 12 what positions remained when the elimination of  
 13 positions occurred.  
 14 Q. But under the contract if you get two negative  
 15 evaluations, you do lose your position, right?  
 16 A. If there's a reduction in force.  
 17 Q. You knew there was a reduction in force going on?  
 18 A. At some point. I just testified I don't recall  
 19 when I knew that there would be a reduction in force  
 20 because, uh, first all the eliminated positions would  
 21 be -- would go to human resources and they would go  
 22 through and see if there are any positions left to place  
 23 people or we -- a reduction in force would be -- would  
 24 take place, and that was done in conjunction with human  
 25 resource and the administrative union. But at some



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1 point, yes, I knew that she would end up being reduced  
2 in force.

3 MR. SEGERBLOM: All right. I need to talk  
4 to my client. Do you have any questions?

5 MR. HICKS: No. You done?

6 MR. SEGERBLOM: Yes. So I -- let me talk to  
7 Elena.

8 MR. HICKS: I'll step out.  
9 (A brief recess was taken.)

## CROSS-EXAMINATION

10 BY MR. HICKS:

11 Q. Dr. Goldman, I have a couple follow-up questions.  
12 Let me first ask you about the process of the  
13 negotiations as it related to the negotiated agreement  
14 between the school district and the Clark County  
15 Association.

16 With regard to Article 26, what's your  
17 understanding of which side proposed the changes that  
18 you have testified to?

19 A. This was proposed by the Clark County Association  
20 of School Administrators and Professional Technical  
21 Employees, specifically the part about there's no right  
22 of return.

23 Q. And how do you know that it was proposed by the  
24 union if you weren't yet involved in negotiations when  
25

1 that was negotiated?

2 A. Typically that would be considered a real give by  
3 the union to -- and it would be something that normally  
4 that you could expect that the district would have  
5 proposed that. So I asked Ms. Juhasz when I saw that  
6 and I became chief negotiator how that occurred, and she  
7 told me that, believe it or not that it was a union  
8 proposal and not district's proposal. So I asked Mr.  
9 Augspurger if that was correct, and he said absolutely  
10 it was the union's proposal.

11 Q. And who is Mr. Augspurger?

12 A. I'm sorry, that's A-U-G-S-P-U-R-G-E-R, is the  
13 executive director of the Clark County Association of  
14 School Administrators and Professional Technical  
15 Employees.

16 Q. Without knowing the exact date, do you know  
17 approximately when the negotiations began as it related  
18 to this agreement?

19 A. Typically they start around February, but in this  
20 case, again, I was not -- I was in a different division  
21 so I don't know for sure when the negotiations started.

22 Q. Fair enough. We'll shift the focus for a moment.  
23 Let me ask you about the RIF itself and how specific  
24 positions were selected.

25 Actually, before I get to that let me ask about

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1 the transfer of the plaintiff to your division. Who  
2 made that request and how did it transpire?

3 A. I received a call from Bramby Tollen, who was the  
4 purchasing director, and I knew her. She was a -- she  
5 was a colleague. And she asked me if I would consider  
6 doing her a favor. And I said, "Sure, what is the  
7 favor?" And she said, "Would you take Elena Rodriguez  
8 into your division?" And I said, "I've had very limited  
9 interactions with her, but I've never had any conflicts  
10 with her." I said, "I would, but I don't have a  
11 position to put her in." And she said that, "No, no,"  
12 she said, "this one would be in the gift category."

13 Q. And what is the term "gift" mean in the context  
14 that that conversation took place?

15 A. It means that you're getting something -- you're  
16 getting a unit or you're getting something that you  
17 normally would not get. Technically it's an off-ratio  
18 position. Positions in divisions are -- are by formula.  
19 You get so many directors, you get so many principals  
20 and so on.

21 And this would have been an off-ratio position.  
22 I didn't have a position. So in this case it meant that  
23 I didn't have to place the employee in a particular  
24 vacant position that I had, but that she would come or  
25 the employee would come with the unit. In other words,

1 the funding would be -- would be shifted and added to  
2 the unit. Another posi -- an additional position would  
3 be funded that's off ratio. So if I was entitled to  
4 ten, I would now have 11 positions. In other words, she  
5 came with the unit.

6 Q. Now, let me ask you about the selection of  
7 positions at the RIF stage.

8 A. Okay.

9 Q. How did you select the two positions that were  
10 identified?

11 A. We -- we were told -- the division was told that  
12 the superintendent's directive was as that each  
13 division, as I recall, had to eliminate two  
14 administrative positions. That's my recollection.  
15 We -- the -- the administrators in the division -- in  
16 this case it really would be Mr. -- primarily  
17 Mr. Waldron and myself would decide which positions were  
18 to be eliminated.

19 I was kind of surprised that we could eliminate  
20 this off-ratio position. But we were told you can  
21 eliminate any two positions that are assigned to you,  
22 and that position was assigned to the division. It was  
23 an extra position, so obviously -- you know Mr. Waldron  
24 said, "That one is easy. It wasn't ours to begin with.  
25 We didn't have that position. We're not entitled to it

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1 by formula. So it's easy, that's the position that  
2 goes."

3 And the other one, there was a vacancy. There  
4 was a position, it was director, but the administrator  
5 in that position had resigned or retired, I can't recall  
6 exactly, and so there was a vacancy there. So if that  
7 position was the second one eliminated, it wouldn't have  
8 to result in any employee being reassigned or  
9 potentially RIF'd. So that one was -- was very easy.  
10 It made the most sense to eliminate the position that  
11 was really kind of off ratio first and then -- then the  
12 other one because it was vacant.

13 Q. And when you say that was easy, you mean it made  
14 the most sense?

15 A. It made the most sense.

16 MR. HICKS: I don't have any further  
17 questions.

## REDIRECT EXAMINATION

18 BY MR. SEGERBLUM:

19 Q. Dr. Goldman, you indicated that Ms. Tollen called  
20 you and asked you if you would take Ms. Rodriguez?

21 A. Yes, out of the blue, absolutely.

22 Q. And then I think previously you testified that  
23 she had said that Ms. Rodriguez was trouble?

24 A. Yes. When I asked her why -- I -- I had no idea  
25

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1 why she was asking me to take her, that's when she said  
2 she was just trouble and -- I don't remember exactly  
3 what she said, but words to the effect that she was just  
4 tired of dealing with all the issues.

5 Q. Did she tell you that my client had filed an EEOC  
6 complaint against her?

7 A. No. Not that I recall, no.

8 Q. Okay. And that's not something you would know  
9 about as part of this type of a transfer?

10 A. No, not -- not in -- not as the associate in  
11 charge of EOC, no.

12 Q. Wouldn't the -- the district want people to know  
13 that there was a pending EEOC claim by an employee?

14 A. Well, you say the district, I --

15 MR. HICKS: First of all, I'm going to  
16 object. It calls for speculation as to what, quote, the  
17 district would or wouldn't want.

18 MR. SEGERBLUM: I'll withdraw the question.  
19 I guess we all know the answer, but that doesn't matter.

20 Q. (BY MR. SEGERBLUM) So -- it appears that if --  
21 Ms. Juhasz told you that these negotiations had been  
22 taking place for quite some time, is that correct?

23 A. I don't know, I would say quite some time, but  
24 this one was already done when I got the job because we  
25 review where we were, where we are, what additional

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1 proposals we received or can -- we were going to make,  
2 and that one was already done.

3 Q. When did you get the job?

4 A. I got the job as I recall sometime -- when I took  
5 over, sometime in -- it was June, July is my  
6 recollection.

7 Q. Okay. Is it your belief that Ms. Juhasz would  
8 have known of the change that the union had made at the  
9 time that my client received the second bad evaluation?

10 A. Yeah, she -- she -- she would have. It was  
11 already -- it had already been agreed to. And again, I  
12 don't know when she would be -- that she would receive a  
13 second evaluation. I don't know for a fact that she  
14 would know what her first evaluation was. She could  
15 have, but I don't know that.

16 Q. All right. Would Ms. Juhasz have access to my  
17 client's personnel file so she could see if there was a  
18 bad evaluation?

19 A. She -- she would not have -- the personnel files  
20 are kept in personnel, HR. But she could request to see  
21 it if it was necessary for dealing with a situation that  
22 we were -- we were dealing with. And so she could have  
23 had ac -- she could have received it and asked -- asked  
24 for it. And she may have, I don't know.

25 Q. What about is it available on a computer? Can

Page 37

1 you just go online and?

2 A. It's available on computer; but no, you can't go  
3 online. The access -- the access to various documents  
4 are restricted. It could be one division only, it could  
5 be two or three divisions. So no, you can't just --  
6 everybody can't just go online and get that information.

7 Q. Not everybody, but wasn't Ms. Juhasz in charge of  
8 the Human Resources?

9 A. No.

10 Q. Who was in charge of Human Resources?

11 A. I believe it was still -- I believe it was still  
12 Martha Tiddle (phonetic). I -- yeah, because -- or  
13 maybe -- I don't recall if Dr. Vesneske was onboard  
14 there. She's the current one. But she replaced Martha  
15 Tiddle, I recall.

16 Q. Okay.

17 A. But I don't exactly what -- well, Ms. Tiddle left  
18 in December, I remember that now so -- because she said  
19 she was -- the end of the year she -- the calendar year  
20 she was done. And I don't know when Dr. Vesneske took  
21 over, so I don't recall who was. . .

22 Q. But do you know -- your belief that Ms. Juhasz  
23 would not have just had access to my client's personnel  
24 file online as part of her job?

25 A. The -- the -- EMR was taken out of HR. I don't

EDWARD GOLDMAN - 10/24/2014

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1 know what the protocols were, whether at that point in  
 2 time she had access to evaluations on her own or that  
 3 was something that she would have had to have requested  
 4 from HR and they would have provided it. So I don't  
 5 know for sure.  
 6 Q. Okay. Just a couple more.  
 7 A. Sure.  
 8 Q. Have you heard of something called DocDNA,  
 9 D-O-C-D-N-A?  
 10 A. I don't recall that specific name being referred  
 11 to -- referred to it but --  
 12 Q. Supposedly it's a computer program you can look  
 13 at personnel records?  
 14 A. Yeah, there is one. I don't know if it is called  
 15 that.  
 16 Q. All right. But you don't recall -- you don't  
 17 recall that HR had access through DocDNA or something  
 18 like that, computer program to anyone's personnel file?  
 19 A. I don't know. Again, EMR used to be part of  
 20 personnel. When they separated -- when Dr. Awfa  
 21 (phonetic) separated the divisions and EMR was put under  
 22 the chief financial officer, I don't know what the  
 23 protocols and accesses that were established and who was  
 24 allowed access to which documents or not.  
 25 So Fran may have had access to it on her own or

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1 she may have had to ask personnel, HR, I don't know.  
 2 Q. Does EMR have access to EEO complaints?  
 3 A. No.  
 4 Q. Okay.  
 5 A. That's the executive manager affirmative action  
 6 and diversity programs, and they never tell us about  
 7 EOC, unless it relates to something that we're doing and  
 8 they have to respond to.  
 9 Q. Okay.  
 10 A. "They" being the affirmative action officer.  
 11 MR. SEGERBLUM: All right. Piece of cake,  
 12 huh?  
 13 (Signature requested.)  
 14 (The proceedings concluded at 2:10 p.m.)  
 15  
 16  
 17  
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PAGE	LINE	CERTIFICATE OF DEPONENT	REASON
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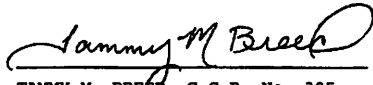
I, EDWARD GOLDMAN, deponent herein, do hereby  
 certify and declare the within and foregoing  
 transcription to be my deposition in said action; under  
 penalty of perjury; that I have read, corrected and do  
 hereby affix my signature to said deposition.

EDWARD GOLDMAN, Deponent

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REPORTER'S CERTIFICATE

I, Tammy M. Breed, CSR No. 305, Certified  
 Reporter, certify:  
 That the foregoing proceedings were taken before  
 me at the time and place therein set forth, at which  
 time the witness was put under oath by me;  
 That the testimony of the witness, the  
 questions propounded, and all objections and statements  
 made at the time of the examination were recorded  
 stenographically by me and were thereafter transcribed;  
 That the foregoing is a true and correct  
 transcript of my shorthand notes so taken.  
 I further certify that I am not a relative or  
 employee of any attorney of the parties, nor financially  
 interested in the action.  
 I declare under penalty of perjury under the laws  
 of Nevada that the foregoing is true and correct.  
 Dated this 7th day of November, 2014.

  
 TAMMY M. BREED, C.C.R. No. 305

## **EXHIBIT 25**

**CONDENSED  
TRANSCRIPT**

1 UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF NEVADA

3 ELENA RODRIGUEZ-MALFAVON, )

4 Plaintiff, )

5 vs. )

CASE NO.:

2:12-cv-1673-MMD-PAL

6 CLARK COUNTY SCHOOL )  
7 DISTRICT, EDWARD GOLDMAN )  
8 and ANITA WILBUR, )

9 Defendants. )  
10  
11  
12  
13

14 DEPOSITION OF EDWARD GOLDMAN

15 THURSDAY, DECEMBER 4, 2014

16 1:57 P.M.

17 AT 700 SOUTH THIRD STREET

18 LAS VEGAS, NEVADA  
19  
20  
21  
22  
23

24 REPORTED BY: MICHELLE R. FERREYRA, CCR No. 876  
25 JOB NO. 228869-C

## EDWARD GOLDMAN - 12/04/2014

Page 2

Page 4

1 DEPOSITION OF EDWARD GOLDMAN,  
2 taken at 700 South Third Street, Las Vegas, Nevada, on  
3 THURSDAY, DECEMBER 4, 2014, at 1:57 p.m., before  
4 Michelle R. Ferreyra, Certified Court Reporter, in and  
5 for the State of Nevada.

6 APPEARANCES:  
7 For the Plaintiff:

8 LAW OFFICES OF RICHARD SEGERBLOM  
9 BY: RICHARD SEGERBLOM, ESQ.  
10 700 South Third Street  
11 Las Vegas, NV 89101  
12 (702) 388-9600  
13 (702) 385-2909 Fax  
14 rsegerblom@lvcoxmail.com

15 For Clark Defendants County School District, Anita  
16 Wilbur and Edward Goldman:

17 LITTLER MENDELSON  
18 BY: ETHAN D. THOMAS, ESQ.  
19 3960 Howard Hughes Parkway  
20 Suite 300  
21 Las Vegas, NV 89169  
22 (702) 862-8800  
23 (702) 290-8420 Fax  
24 edthomas@littler.com  
25

1 LAS VEGAS, NEVADA, THURSDAY, DECEMBER 4, 2014;  
2 1:57 P.M.

3 -000-

4 (Exhibits 1 and 2 marked)

5 (In an off-the-record discussion held prior to the  
6 commencement of the deposition proceedings, counsel  
7 agreed to waive the court reporter requirements under  
8 Rule 30(b)(4) of the Nevada Rules of Civil Procedure.)

9 Whereupon,

10 EDWARD GOLDMAN,  
11 having been first duly sworn to testify to the truth,  
12 the whole truth and nothing but the truth, was examined  
13 and testified as follows:  
14

## EXAMINATION

15 BY MR. SEGERBLOM:

16 Q. Could you state your name, please?

17 A. Sure. Edward Goldman, G-o-l-d-m-a-n.

18 Q. Dr. Goldman --

19 A. Yes.

20 Q. -- we're going to ask you some questions about  
21 some e-mails that came to light after your last  
22 deposition --

23 A. All right.

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Page 5

## I N D E X

1 WITNESS: EDWARD GOLDMAN

2 EXAMINATION

3 Examination By Mr. Segerblom

4 Examination By Mr. Thomas

5 Further Examination By Mr. Segerblom

PAGE

4

10

10

## EXHIBITS

## EXHIBIT

10 EXHIBIT 1 String of e-mails related to  
11 a process whereby the evaluation  
12 was created for Ms. Rodriguez in  
13 June of 2011

14 EXHIBIT 2 Attachments to e-mails in  
15 Exhibit 1 string of e-mails

PAGE

4

4

1 Q. -- but this should be pretty very perfunctory,  
2 hopefully. The e-mails that came up involve an  
3 evaluation that was given to my client, Ms. Rodriguez,  
4 in June of 2011.

5 A. Okay.

6 Q. And in these series of e-mails, your name  
7 comes up, and it looks like you may have actually made  
8 some response at one point. Do you recall  
9 independently being involved in the preparation of an  
10 evaluation which my client received in June of 2011?

11 A. Not in the preparation of it, I don't recall  
12 anything, no.

13 Q. Exhibit 1 are the e-mails. I have them in  
14 Bates stamp order, but they're actually chronologically  
15 out of order, so I'll just refer you to the e-mails by  
16 Bates stamp number. If you look at 2165, the Bates  
17 stamp is at the bottom right hand corner.

18 MR. THOMAS: Right over here.

19 THE WITNESS: Oh, I see.

20 MR. THOMAS: Yes.

21 THE WITNESS: So 2160-- I got it. Okay.

22 Okay, yes.

23 BY MR. SEGERBLOM:

24 Q. This appears to be an e-mail from Ms. Juhasz  
25 to yourself?



EDWARD GOLDMAN - 12/04/2014

Page 6

1 A. Okay.  
 2 Q. It looks like she's basically just forwarding  
 3 something. And then 2169 appears to be your response?  
 4 A. Okay.  
 5 Q. If you want to take some time to look at it,  
 6 BUT having seen these, does this refresh your memory as  
 7 far as being involved in the preparation of this  
 8 evaluation?  
 9 A. Not really. I was copied on -- copied on a  
 10 lot of stuff that occurred between Fran and Anita. And  
 11 so in this case, they sent IT to me, like do you have  
 12 any changes or is there something that you see that is  
 13 not appropriate type thing. And I am presuming I said,  
 14 No. It's very good the way it is. So that's why -- I  
 15 don't have any -- I didn't find anything in there that  
 16 was wrong or --  
 17 Q. How would you characterize your role in this?  
 18 Were you the person who had ultimate authority to make  
 19 the decision or what was your involvement?  
 20 A. I really didn't have any involvement. I just  
 21 would review the -- I would review the documents. And,  
 22 you know, being the division head, I would see if  
 23 there's something in there that I needed to not  
 24 understand or was not clear about or had a suggestion  
 25 to rephrase or something like that, if that were the

Page 7

1 case. And if it were, I would give the suggestion back  
 2 to Ms. Juhasz, who was working with -- with Fran (sic),  
 3 and that was really the -- the extent of it.  
 4 Q. As of June the 1st, 2011, do you recall what  
 5 your title was?  
 6 A. I don't recall my exact -- I don't -- I can  
 7 tell you all my titles, but I can't tell you which  
 8 dates because we're right at that point where I  
 9 switched. So when I was in charge of the ESD,  
 10 Educational Services Division, my title was Associate  
 11 Superintendent Educational Services Division.  
 12 Q. In that capacity, you were over the area where  
 13 Ms. Wilbur and Ms. Rodriguez worked?  
 14 A. Yes.  
 15 Q. And then Ms. Juhasz just testified that as of  
 16 July the 1st, your title changed, and she started  
 17 reporting to you?  
 18 A. Yeah. Right -- right around there. June or  
 19 July, yes.  
 20 Q. Okay.  
 21 A. And my title was Associate Superintendent  
 22 Employee Management Relations and Chief Negotiator.  
 23 Q. All right. Looking then at the same exhibit,  
 24 look at the first page, which is page 2163.  
 25 A. Okay.

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1 Q. This is an e-mail from Ms. Wilbur to -- I'm  
 2 sorry, from Ms. Juhasz to Ms. Wilbur. It looks like it  
 3 was cc'd to you.  
 4 A. Right.  
 5 Q. And she states in the first sentence, The  
 6 evaluation is approved by Dr. Goldman for issuing.  
 7 A. Right.  
 8 Q. Would you characterize that as what you had  
 9 done?  
 10 A. Yeah. As, you know, okay to issue. In other  
 11 words, it was fine the way it is and it was written  
 12 correctly, and there's nothing that I saw in there that  
 13 would prevent it from being issued. And so I said,  
 14 Okay. You can issue it. I think all the division  
 15 heads were given evaluations to -- to look at or  
 16 documents before they were issued as kind of, you know,  
 17 a cursory type thing --  
 18 Q. Right.  
 19 A. -- and that's what happened.  
 20 Q. Right. But my question is: Were you the one  
 21 who has had -- did you have approval authority?  
 22 A. I don't know that I would call it approval  
 23 authority, that I had to approve it or not, but I  
 24 suppose I could have suggested other changes. But  
 25 to -- to say -- to tell a principal not to issue one,

Page 9

1 there's -- that's -- I suppose, technically, I could  
 2 say do not issue. But something had to be -- something  
 3 would have to be issued, so it would have to be issued  
 4 anyway, but that's --  
 5 Q. Well, in this case --  
 6 A. -- the way I would characterize it.  
 7 Q. But in this case, the question is whether to  
 8 issue a satisfactory or unsatisfactory evaluation. And  
 9 my question would be: Did you have the authority to  
 10 say, no, give her a satisfactory evaluation as opposed  
 11 to unsatisfactory?  
 12 A. No. Because if it had certain items checked,  
 13 then it would be required that it be unsatisfactory.  
 14 Conversely, if everything was satisfactory and they had  
 15 checked unsatisfactory, then I would have told them  
 16 they can't do that. They can't do that. It can't be  
 17 completely satisfactory and then they mark it  
 18 unsatisfactory. But, again, the same would be the  
 19 other way around, if there was unsatisfactory areas in  
 20 there, then there is no way I can tell them, Well, she  
 21 is totally unsatisfactory or partially, but go ahead  
 22 and make her satisfactory. No.  
 23 MR. SEGERBLUM: All right. I don't have any  
 24 further questions. Did you have any questions?  
 25 \\\



EDWARD GOLDMAN - 12/04/2014

Page 10		Page 12	
1	MR. THOMAS: Yes. I just had one follow-up.	1	occurred -- should have occurred. That's all she could
2		2	have done. And, again, it's just a recommendation.
3	EXAMINATION	3	She's not a -- she's not the supervisor.
4	BY MR. THOMAS:	4	Q. Is she the final authority, "she" being
5	Q. Dr. Goldman, was it your decision to	5	Ms. Juhasz for the District with respect to this
6	ultimately rate her unsatisfactory?	6	process?
7	A. No.	7	A. No.
8	MR. THOMAS: That's all I have.	8	MR. SEGERBLOM: All right. No further
9	MR. SEGERBLOM: All right. Be right back.	9	questions.
10	(Off the record.)	10	MR. THOMAS: None from me either.
11		11	(Thereupon, the deposition concluded at
12	FURTHER EXAMINATION	12	2:10 p.m.)
13	BY MR. SEGERBLOM:	13	
14	Q. All right. Just a couple of questions.	14	
15	A. Sure.	15	
16	Q. Ms. Juhasz' involvement in this evaluation,	16	
17	was she authorized to recommend a satisfactory or	17	
18	unsatisfactory evaluation?	18	
19	A. Only to the extent that the documents were the	19	
20	evaluated documents by the evaluator didn't justify or	20	
21	there was no evidence of it. So everybody has an	21	
22	evaluator. That's the person who's responsible to	22	
23	observe the person and so forth and keep record. So	23	
24	if -- again, if Ms. Juhasz had not found any	24	
25	documentation to support any -- I'm referring to these	25	
Page 11		Page 13	
1	ratings here -- any of these ratings, then she would	1	CERTIFICATE OF DEPONENT
2	say, you know, everything here is satisfactory. I	2	PAGE LINE CHANGE REASON
3	don't see how you can rate her unsatisfactory or	3	
4	conversely. There are four unsats here. I don't see	4	
5	how you could rate her satisfactory. This is to the	5	
6	evaluator, and he has to justify, you know, to her, or	6	
7	even to me, ultimately, if that were to be the case.	7	
8	So that's the extent of her recommendations, but not	8	
9	decisions.	9	
10	MR. THOMAS: Just for the record, he was	10	
11	pointing towards Exhibit 2 and Bates No. CCSD 0002252	11	
12	and was pointing at the boxes on that document.	12	
13	BY MR. SEGERBLOM::	13	
14	Q. But what if Ms. Juhasz is the one that said,	14	
15	Check these boxes, as opposed to other boxes?	15	I, EDWARD GOLDMAN, deponent herein, do hereby certify
16	A. I don't think that that would be appropriate,	16	and declare under the penalty of perjury the within and
17	except if the -- the -- if evaluated documents didn't	17	foregoing transcription to be my deposition in said
18	support it, she would say this eval -- if you are	18	action; that I have read, corrected and do hereby affix
19	basing your -- and I haven't seen them, but if you are	19	my signature to said deposition.
20	basing your unsat, for example, on assessment planning	20	
21	on Document X, Document X is not unsatisfactory. You	21	
22	can rate her, Needs improvement. That is enough in	22	
23	there to do that. Or, no, you would have to rate her	23	
24	satisfactory, based on that document if the evaluator	24	
25	provided it, if that -- if that should have	25	